



Security Council

Sixty-third year

*Provisional***6022**nd meeting

Tuesday, 25 November 2008, 10 a.m.

New York

<i>President:</i>	Mr. Ballesterro	(Costa Rica)
<i>Members:</i>	Belgium	Mr. Kenes
	Burkina Faso	Mr. Koudougou
	China	Mr. Li Kexin
	Croatia	Mr. Jurica
	France	Mr. De Rivi�re
	Indonesia	Mr. Kleib
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. Arias
	Russian Federation	Mr. Shcherbak
	South Africa	Ms. Qwabe
	United Kingdom of Great Britain and Northern Ireland . . .	Mr. Quarrey
	United States of America	Mr. Wolff
	Viet Nam	Mr. Hoang Chi Trung

Agenda

The situation in the Middle East, including the Palestinian question

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.



The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, to whom I now give the floor.

Mr. Pascoe: I would like, Sir, to thank you for the opportunity to brief the Council once again on the Middle East. My comments this month will, for the first time, not touch on Lebanon, given that the Special Coordinator of the Secretary-General for Lebanon, Mr. Michael Williams, together with a colleague from the Department of Peacekeeping Operations, will brief the Council tomorrow on the Secretary-General's report (S/2008/715) on the implementation of resolution 1701 (2006).

Two weeks ago, on 9 November, the Secretary-General chaired a meeting of the Quartet in Sharm el-Sheikh, in which the parties, at their initiative, briefed on the progress in their bilateral negotiations. That was a landmark meeting, the first time that the parties had jointly met with the Quartet, and an important marker of the ongoing political process pursuant to last year's Annapolis conference.

The initiative of Palestinian President Abbas and Israeli Foreign Minister Livni to jointly brief the Quartet is an important precedent for more active involvement of the Quartet in the future. President Abbas and Foreign Minister Livni also met bilaterally in Sharm el-Sheikh, and another bilateral meeting took place between Prime Minister Olmert and President

Abbas in Jerusalem on 17 November. Also on 17 November, Prime Minister Olmert announced Israel's intention to release some 250 Palestinian prisoners as a gesture to President Abbas prior to the Muslim festival of Eid al-Adha next month.

We regret that Israel and the Palestinians will likely fall short of their commitment made at Annapolis to reach an agreement by the end of the year. However, the parties' affirmation that they have engaged in direct, sustained and intensive negotiations is welcome. The parties' joint assessment that, without minimizing the remaining gaps and obstacles, their negotiations are substantial and promising is also noteworthy. The parties stated that negotiations would continue uninterrupted and that their goal remains a comprehensive peace agreement addressing all issues, without exception. Further, the parties recommitted to the implementation of their Road Map commitments, on which more urgent action is vital to ensure the credibility of the process.

Negotiations are expected to continue through the coming period, although domestic politics both in Israel and among the Palestinians may complicate matters. Prime Minister-designate Tzipi Livni's inability to form a coalition Government — owing in part to differences over Jerusalem — prompted President Peres on 28 October to call for new elections, which are now scheduled for 10 February 2009.

Palestinians remain divided. Further to an Egyptian proposal to Palestinian factions concerning reconciliation, Egypt invited them to a meeting on 9 November in Cairo. However, Hamas did not attend. The Secretary-General calls on Hamas and, indeed, on all Palestinian factions to work urgently to reunify the Gaza Strip and the West Bank within the framework of the legitimate Palestinian Authority, in a manner that allows the peace process to move forward.

However, rhetoric between Hamas and Fatah has intensified. The Central Committee of the Palestine Liberation Organization (PLO) announced its election of Mahmoud Abbas as President of the State of Palestine, but the Hamas leadership has rejected that move. Foreign ministers of the League of Arab States will meet in Cairo on 26 November to discuss the situation in Gaza, the internal Palestinian situation and the Israeli-Palestinian negotiations.

Unfortunately, recent developments in the occupied Palestinian territory and in Israel underscore

the fact that the gap between the political tracks and the situation on the ground remains large, posing considerable obstacles to the path that lies ahead. Israeli-Palestinian violence during the reporting period resulted in the deaths of 16 Palestinians — 15 militants in Gaza and one armed civilian in the West Bank — while injuring 122 others, mainly civilians. One Israeli was killed in a stabbing attack in Jerusalem on 23 October, and 25 Israeli soldiers and civilians were injured during the reporting period.

The *tahdiya* — or period of calm — in Gaza and southern Israel, in effect since 19 June, has been threatened by a number of violent incidents. Israel conducted a military incursion into Gaza on 4 November for the purpose of destroying a tunnel that was alleged to have been used to abduct Israeli soldiers. Six militants were killed, and Israel conducted a number of limited smaller incursions into Gaza over the following days. More than 123 rockets and 118 mortars were fired by Palestinian militants into Israel or at the crossings for people and goods between Israel and Gaza, injuring one Israeli civilian. The Secretary-General has repeatedly condemned rocket and other attacks by Palestinian militants on Israeli civilian targets, and I reiterate his condemnation here. We urge an end to rocket fire and call upon the parties to fully respect the calm.

Between 4 and 23 November, the Israeli authorities severely restricted the access of humanitarian workers as well as of commercial and humanitarian goods to Gaza. Those restrictions caused suspensions of food aid from the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the World Food Programme, which have affected hundreds of thousands of Palestinians.

Owing to shortages of fuel, the Gaza power plant shut down for more than 12 days, and rolling blackouts of up to 8 hours a day in some areas of the Gaza Strip were reported by the Office for the Coordination of Humanitarian Affairs during the reporting period. Fuel availability was also significantly reduced in the open market, as the import of petrol, diesel and cooking gas had been blocked since 5 November. There is a severe shortage of cooking gas in the Gaza Strip affecting homes, and now 30 bakeries out of a total of 71 are not operational. Lack of fuel is also one of the principal factors leading to water rationing throughout the Strip, affecting approximately 600,000 people. Despite the

closure, approximately 23 medical cases were allowed through the Erez crossing on a daily basis.

Rocket fire decreased dramatically on 23 November, and on 24 November Israel reopened the Kerem Shalom crossing, allowing 28 trucks carrying basic humanitarian supplies to enter, and also facilitated the delivery of some 440,000 litres of industrial fuel to Gaza's power plant, as well as the delivery of 240 tons of wheat and 560 tons of animal feed through the conveyer belt at Karni. According to the Government of Israel, rockets were fired from Gaza towards Ashkelon yesterday evening. Defence Minister Barak ordered all crossings closed again today. Despite the fuel deliveries, the Gaza power plant is still not working, because of a technical malfunction and a lack of spare parts. Appeals have been made to Israel to allow such parts into Gaza.

Major news agencies and organizations have protested to the Israeli Government that foreign and Israeli media have not been allowed entry for more than 14 days.

The Secretary-General spoke with Prime Minister Olmert on 18 November and with Foreign Minister Livni on 20 November to express his deep concern over the consequences of the deteriorating humanitarian situation in Gaza. The Secretary-General restated his condemnation of rocket fire, but stressed that Israel must uphold humanitarian principles. In public statements on 14 and 21 November, he strongly urged Israel to facilitate the freer movement of urgently needed humanitarian supplies and of concerned United Nations personnel into Gaza, and emphasized that measures that increase the hardship and suffering of the civilian population of the Gaza Strip as a whole are unacceptable and should cease immediately. The Secretary-General is pleased that some humanitarian supplies and some fuel have been allowed into Gaza and expects Israel to resume facilitating regular deliveries of both. In that context, we note the resumption of the Egyptian-brokered calm and hope that it continues.

We continue to call for the release of Israeli Corporal Gilad Shalit. No progress has been reported in the efforts to secure his release and that of a number of the more than 10,000 Palestinian prisoners in Israel. The International Committee of the Red Cross has still not been granted access to Shalit 27 months into his captivity.

In the absence of Palestinian reconciliation, approximately half of all teachers and a quarter of all health workers are still on strike in Gaza, and both strikes have been extended until the end of the year. According to the World Health Organization, as a result of both internal disputes and restrictions on imports into Gaza, 95 essential drugs and 174 medical supplies are out of stock.

We are concerned about reports of human rights abuses committed in Gaza under the de facto Hamas regime, which has also apparently strengthened its control, divorcing Gaza's institutions from those of the Palestinian Authority.

In the West Bank, Palestinian security forces continue to make progress in implementing phase I Road Map obligations by extending security operations in areas under Palestinian Authority control. On 25 October, the Palestinian Authority deployed 550 new security personnel in Hebron. A further security operation in Bethlehem commenced on 24 November and is expected to run through the Christmas holiday period.

The forces deployed in Hebron have taken measures to enforce law and order and to seize illegal weapons and explosives. We note that in the past weeks, more than 350 Hamas affiliates were reported to have been arrested across the West Bank, including some 250 in Hebron. It is important that suspects being detained on criminal or public security grounds be treated with full respect for human rights and the rule of law.

It should be noted that, despite the Palestinian Authority's security efforts in the West Bank, there has not been a significant reduction in incursions by the Israel Defense Forces (IDF) or in the easing of closures in the West Bank. There were approximately 400 search campaigns during the reporting period. The number of obstacles to Palestinian movement in the West Bank stands at 630.

On 29 October, following a six-month suspension in demolitions based upon commitments made to Quartet Representative Tony Blair, Israeli authorities resumed the demolition of houses and structures lacking building permits in area C of the West Bank. Forty-seven structures were demolished in area C and approximately 150 Palestinians have been displaced or otherwise affected. A further eight house demolitions were reported in East Jerusalem, displacing or

otherwise affecting approximately 50 people, including a man and his wife who were evicted from their home in which they had been living since 1956. The man, who had been hospitalized due to diabetes and other health problems, died on 23 November. We urge the cessation of house demolitions in the West Bank in accordance with the moratorium, and that no unilateral actions be taken in Jerusalem that undermine confidence or alter the status quo in the city.

In that context, it is deeply regrettable that settlement activity in the West Bank, including East Jerusalem, is ongoing in the vast majority of settlements. More positively, we note that, on 2 November, the Government of Israel announced its intention to immediately cease all funding for illegal outposts in the West Bank. An attempt to dismantle an outpost near Hebron on 26 October was met with violence by settlers that injured eight members of the Israeli security forces and seven Palestinians, including a 95-year-old woman. Settlers clashed with the IDF and Palestinians following the issuance of Supreme Court orders to vacate a building in Hebron. In total, there were 30 attacks by settlers on Palestinians during this reporting period. Those attacks have been condemned by senior Israeli officials.

The construction of the barrier within occupied Palestinian territory in deviation from the Green Line continues, contrary to the advisory opinion of the International Court of Justice. Also contrary to Israel's phase I Road Map obligation, Palestinian institutions in East Jerusalem remain closed by Israeli military order.

On 22 and 23 November, the Palestinian Investment Conference — Northern Forum took place in Nablus, attracting over 250 international participants, including a number from Arab countries, with the aim of promoting the Northern West Bank as a region for investment.

The Palestinian Authority continues to strengthen its fiscal management and completed the payment of all its wage and private sector arrears during the reporting period. The budget and planning process for 2009 is fully on track. The Ministry of Finance has reported that by mid-November approximately \$1.6 billion in direct budget support had been transferred. However, there is an urgent need to increase budget support pledges for 2009 and to support the Authority through the delivery of planned, regular commitments as soon as possible.

Quartet Representative Tony Blair visited the region twice during this reporting period and continued his efforts to bring about the implementation of measures agreed to with the Government of Israel in May 2008, with the goal of improving the situation on the ground and achieving a better economic environment and increased movement and access.

Special Coordinator Robert Serry held meetings with Syrian Government officials in Damascus on 24 November to discuss regional developments and express support for the continuation of the indirect Israel-Syrian talks. The situation in the occupied Syrian Golan remained quiet, but Israeli settlement activity continues.

During the reporting period, the importance of the Arab Peace Initiative was widely discussed as a vital platform for reaching the goal of a comprehensive regional peace. We commend the initiative and efforts of King Abdullah of Saudi Arabia, which led to the convening of the high-level meeting of the General Assembly under the agenda item entitled "Culture of Peace" here in New York on 13 November. As the Council is aware, the meeting was attended by numerous leaders from the Middle East region, including King Abdullah of Jordan and King Abdullah of Saudi Arabia, the Amirs of Kuwait and Bahrain, President Sleiman of Lebanon, President Peres, Foreign Minister Livni and President Abbas, among many others. Additionally, on 20 November the Palestine Liberation Organization published full-page advertisements in Israeli newspapers to promote the Arab Peace Initiative among the Israeli public.

As the past month has demonstrated, the political process is still under way, but developments on the ground remain the biggest challenge to building lasting peace. There is a need for tangible improvements in the living conditions and security of civilians to give them faith in the political process. In order to make progress in the negotiations and improve the situation on the ground, it is important that the Quartet continues to push the process forward in this time of transition. In addition, the Secretary-General has urged United States President-elect Obama to engage early in the Middle East.

Our shared goal remains clear: an end to the occupation that began in 1967 and the achievement of an independent, democratic and viable Palestinian State living side by side in peace and security with Israel. We will continue to work for that goal through comprehensive regional peace in the Middle East and the implementation of all the relevant Security Council resolutions.

The President (*spoke in Spanish*): I thank Mr. Pascoe for his briefing, which, as always, was very comprehensive and balanced.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 10.40 a.m.



Security Council

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Official communiqué of the 6023rd (closed) meeting of the Security Council

**Held in private at Headquarters, New York, on Wednesday,
26 November 2008, at 10.00 a.m.**

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

“On 26 November 2008, the Security Council, pursuant to resolution 1353 (2001), annex II, sections A and B, held its 6023rd meeting in private with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo.

“The Security Council and the troop-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Mr. Alan Doss, Special Representative of the Secretary-General and Head of the United Nations Organization Mission in the Democratic Republic of the Congo.

“Members of the Council, Mr. Doss and representatives of participating troop-contributing countries had an exchange of views.”





Security Council

Sixty-third year

*Provisional***6024th** meeting

Wednesday, 26 November 2008, 10.45 a.m.

New York

<i>President:</i>	Mr. Urbina	(Costa Rica)
<i>Members:</i>	Belgium	Mr. De Gucht
	Burkina Faso	Mr. Kafando
	China	Mr. La Yifan
	Croatia	Mr. Jurica
	France	Mr. Ripert
	Indonesia	Mr. Kleib
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. Arias
	Russian Federation	Mr. Shcherbak
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

The situation concerning the Democratic Republic of the Congo

Fourth special report of the Secretary-General on the United Nations
Organization Mission in the Democratic Republic of the Congo (S/2008/728)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.



The meeting was called to order at 11.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Fourth special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of Congo (S/2008/728)

The President (*spoke in Spanish*): I should like to inform the Council that I have received letters from the representatives of the Democratic Republic of the Congo and Rwanda, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Ileka (Democratic Republic of the Congo) and Mr. Nsengimana (Rwanda) took seats at the Council table.

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Alan Doss, Special Representative of the Secretary-General and head of the United Nations Organization Mission in the Democratic Republic of the Congo.

There being no objection, it is so decided.

I invite Mr. Doss to take a seat at the Council table.

On behalf of the Security Council, I extend a warm welcome to His Excellency Mr. Karel De Gucht, Minister for Foreign Affairs of Belgium.

The Security Council will now begin its consideration of the item on its agenda. The Security

Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the fourth special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of Congo, contained in document S/2008/728.

Members also have before them document S/2008/703, which contains the text of a letter dated 31 October 2008 from the Secretary-General addressed to the President of the Security Council.

At this meeting the Security Council will hear a briefing by Mr. Alan Doss, Special Representative of the Secretary-General and head of the United Nations Organization Mission in the Democratic Republic of the Congo, to whom I give the floor.

Mr. Doss: I am very pleased to be able to join the Council today as it begins its consideration of the Secretary-General's fourth special report on the situation in the Democratic Republic of the Congo (S/2008/728). This is a critical time for the Democratic Republic of the Congo. The fighting that has erupted in the eastern part of the country, along with its major humanitarian consequences, reminds us that overall peace and stability in the country cannot be attained without resolving the root causes of conflict in its troubled eastern regions.

Over 250,000 people have been directly affected by the resumed hostilities. Overall, a quarter of the people of North Kivu are currently displaced. It was the lack of will and capacity to implement the numerous inter-Congolese and regional agreements reached that led to the resumption of major hostilities at the end of October.

We call on all parties to respect the agreements reached and return to the political process established by the Nairobi and Goma frameworks. We welcome in this regard the intensive international, regional and bilateral political efforts in the past few weeks to resolve the current crisis.

I am pleased to report that, as a result of Special Envoy Obasanjo's first round of talks, a ceasefire has been established and the Congrès national pour la défense du peuple (CNDP) and other armed groups have pulled back in order to create a zone of separation between the fighting forces in the northern part of the southern half of North Kivu. After consultations with the Secretary-General in New York this week,

President Obasanjo will return to the region on Friday to resume his efforts for the parties and neighbouring States. President Obasanjo's mediation mission is also expected to address the continuing problem of the presence of Rwandan armed groups comprised of members of the former armed forces of Rwanda and Interahamwe and the Forces démocratiques de libération du Rwanda in the eastern Democratic Republic, as well as to follow up on the Nairobi communiqué.

Recent events have had a profound effect on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the way it implements its mandate. Already overstretched, the Mission has had to assume full responsibility for the protection of the major population centres in North Kivu and to support the delivery of humanitarian assistance.

A major reconfiguration effort has been under way to reinforce MONUC's presence in North Kivu, including from within the province itself. We are therefore very grateful that the Council has authorized the additional resources that I had requested in early October. These reinforcements will provide us with some time and space for the political and diplomatic initiatives to go forward. At the same time, we should be very aware that these additional troops will not be on the ground before a couple of months at the very earliest — and probably it may take longer — despite the efforts that are currently under way to mobilize and deploy those reinforcements as soon as possible.

That is why we have and continue to support the calls for the deployment of a multinational force as a bridging measure until MONUC is fully reinforced. We should also be mindful that the MONUC's presence should not replace the national authorities and security forces in their responsibility to protect civilians and to protect the territory of the Democratic Republic of the Congo.

We are particularly concerned at and deplore the recent attacks on civilians and unlawful killings of individuals in areas that have been overrun by conflict. We have warned that these actions constitute war crimes and will be pursued.

We look forward to an in-depth discussion with the Council members on the future role of MONUC, how it can adapt its mandate to the new realities, and how it can be more effective, especially in helping the

Congolese people, consolidating peace and creating a better future for the country.

The President (*spoke in Spanish*): I thank Mr. Doss for his briefing.

I now give the floor to the representative of the Democratic Republic of the Congo.

Mr. Ileka (Democratic Republic of the Congo) (*spoke in French*): Mr. President, in taking the floor for the first time here in the Council this month, allow me at the outset to discharge the pleasant duty of congratulating you on your presidency of the Security Council for the month of November. I would also like to join in the unanimous praise for the Chinese presidency of last month. I would like to thank most sincerely Secretary-General Ban Ki-moon for his tireless efforts on behalf of the restoration of peace in the Democratic Republic of the Congo, and above all for having appointed President Obasanjo as Special Envoy for eastern Democratic Republic of the Congo.

I would also like to take this opportunity to welcome the presence with us of Mr. Karel De Gucht, the Minister for Foreign Affairs of the Kingdom of Belgium. His Excellency is most welcome in New York. Finally, this meeting allows me also to welcome a friend, Mr. Alan Doss, Special Representative of the Secretary-General. I am grateful for his presentation of the fourth special report (S/2008/728) and recognize the crucial importance of his statement.

I shall begin by referring to Mr. Tony Blair, former Prime Minister of the United Kingdom. Council members will recall that, on 2 October 2001, in his statement to the annual conference of his party, he referred to a moral duty to provide military and humanitarian international assistance to any country in need and emphasized that

"If the world continues to ignore the sufferings of African nations, like in the war-ravaged Democratic Republic of the Congo, it would breed anger and frustration which would threaten global stability."

I would endorse the remarks of the British Prime Minister. I have always affirmed the need for serious and intensive thinking on the long-standing and immediate underlying causes of the present conflict, which could help the international community to take all measures required to restore normalcy to the Great Lakes region as a whole and to root out chaos and

desolation. There have been 300,000 dead in Burundi, nearly 1 million dead in Rwanda, 5 million dead in the Democratic Republic of the Congo — enough is enough.

How long must this horror last and what is its justification? Today, the entire world is hailing the decision of the Security Council to follow up the request of the Secretary-General for a temporary increase in the authorized military and police personnel for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). That is important to strengthen the Mission's capacity to offer genuine protection to the Congolese civilian population, the victim of an obvious humanitarian disaster, as Mr. Doss emphasized, and of mass violations of human rights, in particular acts of violence directed against women and children. The person directly responsible is a warlord who, through some undoubtedly stately footwork, continues to defy in all impunity the entire international community more than six years now after being designated by the international community as a war criminal. That gentleman is behaving as if he were preparing for the definitive occupation of the eastern Democratic Republic of the Congo, unfortunately with the complicity of some of my compatriots. Others in the region are also responsible. Their responsibility is more important than his direct responsibility, but less than others that are even more global still.

Regarding regional responsibility, our relations with Rwanda have perhaps not yet yielded the results we had hoped for. A great deal remains to be done. However, talks are highly instructive from all points of view and are encouraging enough to allow us to see, despite difficulties, signs of a possible exit from the crisis. For us, that means finding a good balance between Rwandan claims and the legitimate concerns of the Democratic Republic of the Congo.

I would like to return to the remarks made by former Prime Minister Tony Blair. I asked why the international community continues to wish to humiliate all the peoples and ethnic groups that make up the mosaic of the Congolese nation because of a crime in which no one from Zaire or the Congo ever participated. The question has been raised.

The Democratic Republic of the Congo needs peace. We need peace to tackle other gigantic challenges as well. We have established balances, but

they no longer exist. We need to restore a State that can perform, that can restore the most fundamental rights of its citizens and do so on healthy and democratic bases — a State that can provide for lasting peace, accompanied by sustainable development, both for the Democratic Republic of the Congo and for the entire Great Lakes region.

Finally, this must be a State that is marked by the highest goals of humankind — namely, peace, justice and prosperity.

The President (*spoke in Spanish*): I shall now give the floor to members of the Council.

Mr. De Gucht (Belgium) (*spoke in French*): During the Arria Formula meeting devoted to the Democratic Republic of the Congo yesterday, the representatives of non-governmental organizations bore witness to the disastrous humanitarian situation in the east of the Democratic Republic of the Congo. Millions of people have perished in the Congo during the last 10 years. The present wave of violence, unfortunately, has compounded their suffering. Thousands of people have had to abandon their homes.

I welcome the efforts of the United Nations and the Security Council in particular, which are continuing to be fully engaged in a resolution to the crisis in the Congo. Beyond the commendable efforts of the Secretary-General, in particular through his Special Envoy, President Obasanjo, there is certainly a need to underscore action of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), which represents the largest peacekeeping operation in the world, and whose capacity has just been strengthened following the adoption of resolution 1843 (2008).

MONUC is playing an important role, and this should be emphasized. On the eve of discussion on the extension of its mandate, which must take place before the end of the year, there is a need for a debate on the way in which we can maximize the functioning of this tool. We must have that debate. Moreover, this is the thrust of one of the conclusions of the report that the Secretary-General has just submitted to us.

I would like to share several ideas with Council members, in particular regarding the underlying causes of the conflict, which we need to bear in mind during such a discussion.

Human destitution in the east of the Democratic Republic of the Congo continues to be fuelled by a lethal mix of two ingredients — the nearly total lack of any effective State authority, in concert with an abundance of natural resources and their use for belligerent purposes. In my view, there is a need to take these reasons for the conflict fully into account in formulating MONUC's mandate in order to maximize its effectiveness.

It is well known to everyone that the Congolese army is in a lamentable state. Fighting against the *Congrès national pour la défense du peuple* (CNDP) has shown that the Armed Forces of the Democratic Republic of the Congo (FARDC) is badly prepared, organized and led. The State is not in a position to establish its authority over vast areas, some of which, in the meantime, are being administered by the CNDP. In North Kivu, the Congolese army, for practical purposes, no longer exists. This army, which has partially disintegrated, with some of its units turning against the population because they are not being properly paid and maintained. This can hardly, in the short term, form the sole tool on which the international community, through MONUC, is relying to restore the authority of the State.

Therefore, the question must be asked as to whether the concept of joint operations of MONUC with the FARDC should not be redefined. I would like to reassure the Security Council that I am not advocating a MONUC which would fight independently against all armed groups in the east of the Congo. There is always room for cooperation and to support the Congolese authorities. But only with difficulty can the FARDC form the sole foundation of our strategy against armed groups, be they foreign or Congolese.

MONUC must move further up to the forefront and play a more prominent role in these operations directed against armed groups. This requires from MONUC better supervisory functions, and by, if necessary, assuming command of certain operations, as was the case for some operations in the past.

No one can deny that the natural resources in the east of the Congo are one of the major reasons for the conflict now under way. Any strategy which we wish to be effective must devote high priority attention to that dimension. Tackling the sources of financing of armed groups could turn out to be more effective than any

other military strategy. This idea should be further taken into account in planning operations. MONUC should also make maximum use of its capacity in the area of inspection, to put an end not only to illegal trafficking in weapons but also to the exploitation and illegal trade in raw materials, such as coltan or cassiterite. Such an action on MONUC's part can be carried out within a broader framework in which the international community supports the authorities of the Congo in re-establishing their control over the exploitation of natural resources. Here, we are thinking of tracing or certification mechanisms, as referred to by the Minister for Foreign Affairs of the Democratic Republic of the Congo during the Nairobi summit on 7 November 2008.

Tackling the underlying causes of the conflict is pivotal, but this will not make it possible to alleviate the suffering of the population in Kivu in the short term. That population has great expectations of MONUC in this area. The capacity of MONUC is limited. It cannot be ubiquitous and act everywhere simultaneously; but where it is present, where it can be deployed in time and where civilian lives are endangered, it must act. This is of the highest priority. It must be absolutely clear that MONUC in that case can act in an independent fashion and that it will do so in accordance with its mandate.

The rules of engagement must clearly reflect MONUC's mandate, and where there are still ambiguities, the mandate should be clarified. This also assumes, in our view, that in those places where uncontrolled elements of the FARDC are the source of abuses directed against the population, MONUC should be able to act and to do so in accordance with the mandate for the protection of the civilian population that it has.

Belgium views its political and diplomatic action as a part of that action undertaken by the European Union, which is playing an active role within the framework of international facilitation. The choice of a possible European action here, designed to support MONUC's efforts, has been referred to over the last few weeks. For its part, Belgium is in favour of such action and would be ready to contribute to it. At the present time, however, we urgently need to consider how we can provide MONUC with the capabilities given it through resolution 1843 (2008).

For its part, Belgium will be examining the needs drawn up by the Department of Peacekeeping Operations. I am confident that Belgium soon will be able to announce a contribution in terms of aerial transportation, information gathering and processing and eventually in training.

Allow me to conclude my statement by expressing our appreciation for the outstanding work being carried out by the men and women who are working in the Democratic Republic of the Congo in difficult conditions to ensure that peace can finally return to that great country in the heart of Africa.

The President (*spoke in Spanish*): I wish, in accordance with the understanding reached among Council members, to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the text in writing and to deliver a condensed version when speaking in the Chamber.

Ms. Pierce (United Kingdom): I too would like to thank the Special Representative of the Secretary-General for his briefing, to welcome the representative of the Democratic Republic of the Congo and the representative of Rwanda, and, of course, to thank the Foreign Minister of Belgium for his statement and for spending time with us today on this important topic.

I will have more detailed points that I would like to make in consultations, but as this is a meeting with the wider membership present, there are just a couple of points I would like to take the opportunity to highlight now.

The first of those points is that we would like to underline our very strong support for the Special Envoy, President Obasanjo. We very much welcome his appointment and are committed to helping him in any way he thinks can be useful. We believe his activities have already had a significant positive impact in refocusing attention on the need for a political solution to the crisis in the eastern Democratic Republic of the Congo. He is already helping to bring the parties together, and I understand he has another trip to the region planned for later this week. We wish him every success, and we call on the international community to give him whatever support he needs over the coming weeks. As I mentioned, that is certainly what we intend to do.

The second point I would like to make is to stress the importance of the earliest possible deployment of the 3,100 additional personnel for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) which the Council mandated in its resolution 1843 (2008). We understand that a target of two months has been put on this deployment. We think that is a bit too leisurely. We note that in certain other cases — and the United Nations Interim Force in Lebanon is the one that springs most readily to mind — it was possible to get troops there within a matter of weeks. We think that the situation in the Democratic Republic of the Congo is one of those that would benefit from the earliest possible deployment of additional personnel.

We stand ready to support the Secretariat's efforts to identify suitable troop-contributing countries. We stand ready to help troop-contributing countries deploy their own forces, and we stand ready to contribute equipment and, as necessary, personnel to help with specialized functions, notably on the command and intelligence side.

Those were the two points I wanted to make in the Chamber.

Mr. Kafando (Burkina Faso) (*spoke in French*): I would like to begin by thanking Mr. Alan Doss for his summary of the report of the Secretary-General (S/2008/728). I would also like to congratulate him, as well as the entire personnel of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) on their commitment and the decisive role they are playing in keeping the peace in the eastern Democratic Republic of the Congo, despite all the unfortunate obstacles. I would also like to welcome the Minister for Foreign Affairs of Belgium. We appreciated his important statement on the topic under consideration.

I would also like to thank the Permanent Representative of the Democratic Republic of the Congo for his information on the situation; we look forward also to hearing the statement of our colleague from Rwanda.

The numerous atrocities in the eastern part of the Democratic Republic of the Congo have, we must acknowledge and state, reached a climax. No human conscience can tolerate this. The escalation of armed violence since the resumption of hostilities last August has led to a catastrophic humanitarian and security

situation, as we can see from the total destitution in which displaced persons live, the indiscriminate attacks against civilian populations, the sexual violence and the ethnic-based massacre of civilians.

Clearly, the situation is fraught with danger; we even have to fear carnage and a possible expansion of the conflict to the rest of the subregion. In these conditions, any initiative that could help to resolve the crisis can only be beneficial.

We strongly support the political action undertaken at the international and subregional levels in order to reach such a settlement, and we note with great interest the mediation undertaken by Mr. Olusegun Obasanjo, Special Envoy of the Secretary-General, and Mr. Benjamin Mkapa, Special Envoy of the Southern African Development Community for the Great Lakes Region. Thanks to their combined efforts, a ceasefire has now been obtained. In order to progress further, they need the firm support and full cooperation of the parties and of the international community.

As we are convinced that only a political solution can sustainably resolve the crisis, we believe it is also crucial for States in the region, in particular the Democratic Republic of the Congo and Rwanda, to intensify their efforts in order to give effect to the commitments they have undertaken in the framework of the Nairobi process. We urge all players to resolve the substantive issues that separate them, in particular the issue of the threat posed by national and foreign armed groups in the Democratic Republic of the Congo.

It is also essential to make it possible for the recommendations which emerged from the bilateral, regional and international initiatives undertaken in early November to restore trust with a view to a resumption of political dialogue. We cannot say this often enough: the Nairobi and Goma processes offer a credible basis for the restoration of peace in the region.

Despite its efforts to implement its mandate, MONUC is almost powerless with respect to the humanitarian tragedy on the ground. Given the collapse and near disintegration of the Armed Forces of the Democratic Republic of the Congo and the criticism levelled against it, MONUC is the only bastion for the population which is fleeing the violence.

Because it understood the risk of the deterioration of the situation, my delegation supported resolution 1843 (2008), which was intended to strengthen MONUC's capacity to fulfil its mission of protecting the civilian population. We recall that during past consultations, the Secretariat assured Council members that MONUC's mandate under Chapter VII of the Charter was robust enough for it to carry out its mission.

However, objective constraints, such as the inaction of the Congolese armed forces, do not allow MONUC to confront the illegal armed forces on its own. As a result, and within the framework of the renewal of this mandate, the question of reviewing MONUC's mandate has to be considered carefully — and, I would say, with a great deal of caution as well, given the continued worsening of the security and humanitarian situation in the eastern Democratic Republic of the Congo.

Once again, the human tragedy being played out on the ground calls out to the international community to find, without delay, viable solutions that would take into account the responsibility to protect civilian populations as well as the duty to pursue and punish all those responsible for atrocities committed in the framework of this conflict. The Security Council must continue to call upon all parties to respect international humanitarian law and, naturally, to consider measures against those who are responsible for serious human rights violations and other atrocities, in particular, war crimes, genocide and flagrant violations of international humanitarian law.

In conclusion, my delegation would like to reiterate its resolute support for MONUC and hopes that a strengthened Mission can face the many security and humanitarian challenges in Eastern Democratic Republic of the Congo. We thus support the efforts under way aimed at finding a final political settlement to the crisis.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): First of all, I would like to thank Mr. Alan Doss, the Special Representative of the Secretary-General, for his briefing.

Deterioration of the security situation in the eastern part of the Democratic Republic of the Congo has led to a grave humanitarian situation. The civilian population has faced killings, rapes and child recruitment into armed groups, all of which are crimes

that we condemn, and we call for the perpetrators to be investigated and brought to justice. That should be done impartially, whether the perpetrators are rebels, security forces, national Congolese army or civilians. In that regard, we commend the cooperation between the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and non-governmental organizations in the Democratic Republic of the Congo.

We also note the increase in internally displaced persons (IDPs) and refugees to 1,350,000, owing to the various conflicts between the Congolese army and the Congrès national pour la défense du peuple (CNDP) in the eastern region of the Democratic Republic of the Congo. As is well known, the Security Council and the international community have condemned the new outbreaks of conflict, killings and atrocities committed against civilians, as well as the obstruction of humanitarian assistance trying to reach the IDPs in their camps.

What is happening in the Democratic Republic of the Congo, as we all know, is an ethnic conflict that has become very complex and difficult, owing to its long duration, with no solution or settlement in sight and competing regional and international interests in an area that is very rich in natural resources.

Against that background, the dispute between the two brotherly States, Rwanda and the Democratic Republic of the Congo, and the fact that each is accusing the other of committing crimes have led, unfortunately, to an escalation of the humanitarian and security crisis in Eastern Democratic Republic of the Congo and the Great Lakes region as a whole. However, we commend the mutual and reciprocal visits of ministers of those two countries, although we regret that direct talks between President Kabila and President Kagame did not take place during the recent Nairobi summit, thereby losing an important opportunity that would have inevitably contributed to settling the issue in the eastern region of the Democratic Republic of the Congo.

We welcome the joint communiqué issued by the Nairobi summit on 7 November 2008, concerning the eastern region of the Democratic Republic of the Congo, and the call for an immediate ceasefire and the establishment of a mechanism to achieve a political settlement of the crisis and its root causes in the Democratic Republic of the Congo. We commend the

various leaders of the region and the Special Envoy of the Secretary-General, President Obasanjo, who discharged his duty and visited Goma on 15 November and met with Mr. Nkunda, who agreed to commit to the recommendations of the Nairobi communiqué and the Goma statements of commitment.

We also welcome the ceasefire of 18 November and the CNDP's withdrawal from some of the positions it had occupied. We hope that the Special Representative of the Secretary-General will be able to make more progress in his efforts towards a lasting peace. In that regard, we would like to welcome the appointment of Mr. Obasanjo as Special Envoy of the Secretary-General for the Great Lakes Region. We support his efforts that, we hope, will lead to a meeting of the points of view of the two brotherly countries, the Democratic Republic of the Congo and Rwanda, as one of the main pillars towards solving the problem in the Democratic Republic of the Congo.

A positive development is MONUC's support of the Congolese national army, the Forces armées de la République démocratique du Congo, in places such as Ituru and South Kivu, and we would like to register our satisfaction and support for the Government forces extending their control and administration over the natural resources, protection of the civilian population and provision of management, health and judicial services within the humanitarian assistance plan for 2008, as well as preparation for the 2009 plan for those services.

We also appreciate the efforts in implementing the national priorities that have been declared by the Government of the Democratic Republic of the Congo. We have noted that MONUC has tried to implement some of its objectives, particularly with regard to the Goma statements of commitment and the Nairobi communiqué, by supporting the capacities of the security forces and the Congolese national army, as well as by carrying out infrastructure projects and the organization of the return of IDPs and refugees to their homes. Regrettably, those efforts, part of the strategic framework of the United Nations for providing stability and security, have been halted, because of the recent hostilities.

The current situation has made the mandate of MONUC very difficult, particularly in the light of the ongoing fighting and the lack of capacity of the Government forces compared to the relative advantage

of the rebel forces. We hope that the plan to redeploy and reconfigure MONUC is successful and that with its additional force, recently agreed by the Council, MONUC will be able to discharge its mission. However, we must all realize that protection of civilians is, in fact, the responsibility of the national army forces and the national Government.

In conclusion, we call upon the leaders in the region, particularly the Presidents of the two brotherly countries, the Democratic Republic of the Congo and Rwanda, to put operational pressure on the parties to solve the conflict, the cause of which is well known to all. That would inevitably need the support of neighbouring countries and international partners, as well as those who have a stake in the Great Lakes region. There will certainly not be a military solution, because it is an ethnic and economic issue that goes beyond the eastern region of the Democratic Republic of the Congo.

We would like to voice our support for the proposal of the Secretary-General to renew the mandate of MONUC until 31 December 2009 and to ensure that it should have all necessary means to defend and protect civilians in the eastern region of the Democratic Republic of the Congo, because that is where the rebel groups, not the State, have control. The clear political intentions of all those who signed the Goma Agreement and the Nairobi communiqué are the basis for the success of the mission of the Special Representative of the Secretary-General and the peace endeavours undertaken by African and non-African personalities and bodies.

Mr. Ripert (France) (*spoke in French*): First of all I would like to thank the Special Representative of the Secretary-General for his presentation of the report on the United Nations Mission in the Democratic Republic of Congo (MONUC). And I would like to reaffirm our support for him and for all the members of his Mission and of the peacekeeping force present on the ground in difficult conditions. We are convinced that without him and without the presence of MONUC, the situation could have deteriorated further and would be even worse than it is today.

I would also like to welcome the Minister for Foreign Affairs of Belgium and to recognize his ongoing commitment and that of his country to this difficult situation. We know that Belgium is the driving force on this issue within the European Union.

I would also like to welcome our colleagues, the Permanent Representatives of the Democratic Republic of Congo and Rwanda.

It seems to us that the mandate of MONUC must be clarified and priorities set. As indicated in the report of the Secretary-General, after a 10-year presence in the Democratic Republic of Congo, it is vital to carry out a detailed review of MONUC's missions, which have become diversified over the years. MONUC is the United Nations biggest peacekeeping force, but the Democratic Republic of Congo is an enormous country and the challenges to be faced are gigantic. We know that the solution will not be a military but a political one. It hinges on the resumption of the Goma and Nairobi processes and on the reaffirmation by all parties of their will to disarm, disengage and cooperate. To that end, we fully support the efforts of President Obasanjo, whom we had the opportunity to meet yesterday, to strengthen cooperation, in particular among all States of the region. And we believe that they too must respond to the expectations of the international community and further involve themselves in the peace process now under way.

There is a need to reaffirm the high priority nature of the civilian protection in MONUC's mandate by indicating that MONUC's other missions cannot be carried out if they would have a detrimental impact on civilian protection. The testimony of non-governmental organizations yesterday was overwhelming. Crimes have been committed. Atrocities have been perpetrated. We all know this and we are also all aware that these crimes have been committed by all parties. Sexual violence, child recruitment, plundering and murder have risen by dramatic proportions. Everything must be done to put an end to this and that must be the highest priority of MONUC, which must, in our view, tighten its ranks near the camps, and in some cases even within the camps, to carry out such deterrence or security operations, in close cooperation, of course, with the international humanitarian organizations involved.

Questions must also be asked regarding the establishment of the personal responsibility of those who have committed and who are continuing to commit such crimes against the civilian population. The Prosecutor of the International Criminal Court has said that there is a need to follow the situation very closely; of course, we encourage him to do so.

The second priority for MONUC should be that of demobilization and disarmament of armed groups, as well as control of the resources that those groups are deriving from the illegal exploitation of the Congo's natural resources. As was underscored yesterday by the Special Representative, the link between the armed forces of the Democratic Republic of the Congo and MONUC must be clarified in terms of actions against armed groups. It seems to us that MONUC should be able, on its own, to carry out defensive operations against those armed groups that might take initiatives that run counter to the Goma and Nairobi processes. That being the case, MONUC has neither the means nor the mission to take the place of the Congolese army.

As was emphasized by the Minister for Foreign Affairs of Belgium, the illegal exploitation of natural resources is one of the underlying causes of the conflict and above all of the fact that it has lasted so long. Until now, the action of the international community has not been decisive. From now on, we must tackle this problem clear-mindedly, if necessary by adopting any appropriate sanctions and, in any case, by demanding that MONUC, in so far as possible, make use of its deployment to prevent or discourage the flow of illicit traffic that benefits armed groups.

Finally, security sector reform is an important priority. The weakness of the armed forces of the Democratic Republic of Congo, as stated by its own Minister of Defence, hampers MONUC's proper accomplishment of its mandate. MONUC must work with the Government of the Democratic Republic of Congo and the international community to draw up a plan of genuine reconstruction for the Congolese army. The genuine establishment of the rule of law in the Democratic Republic of Congo requires the formation of an army, a justice system and a police force that are effective and democratic. As for MONUC's other missions, those we have already discussed must be maintained in the East of the country but we should also take into consideration the progress that has been achieved in the West of the Democratic Republic of Congo: the gradual transfer of certain tasks, the promotion of good governance and the establishment of a judicial system. The transfer to the Country Team of the United Nations and to bilateral partners could enable MONUC to further focus its action in the East. Other more specific recommendations of the Secretary-

General on the modality of such a transfer could also be useful.

My delegation will prepare a draft resolution that will reproduce the major guidelines that I have just indicated and will, of course, take into account the observations made today by the members of the Security Council, by Mr. Alan Doss and by the States involved. We are aware that all members of the Security Council share the same concern, namely, to facilitate the task of MONUC with greater effectiveness. We will do everything in our power so that the negotiations may move forward swiftly and constructively.

Ms. DiCarlo (United States of America): I too would like to thank Special Representative Doss for his comments and Belgian Foreign Minister De Gucht for his contribution today. I would also like to welcome the distinguished representatives of the Democratic Republic of Congo and Rwanda.

The United States is deeply concerned about the recent fighting in Eastern Congo, which has caused considerable human suffering and which has seriously threatened to further destabilize the region.

I would like to make only a couple of comments in the Chamber today and to reserve the rest of my comments and questions for consultations. I think it is important to make two points.

First, we welcome the unanimous adoption of resolution 1843 (2008) with its authorization for additional forces to deploy to the United Nations Mission in the Democratic Republic of Congo (MONUC). We appreciate the work that MONUC is doing under the most difficult of circumstances to restore stability to the East and to protect the estimated quarter of a million civilians who have been displaced since intensive fighting began in late August. We urge Member States and the United Nations to take concrete measures to ensure the rapid deployment of these additional forces to MONUC.

I would like to note that through the Africa Contingency Operations Training and Assistance programme (ACOTA), the United States is supporting all African units deployed in MONUC with equipment and training, and the United States is prepared to support other African elements deploying to enhance the current force structure. It is imperative that all Member States support the efforts of MONUC and

Special Representative Doss to restore stability in the East.

Secondly, we would like to reiterate what the Secretary-General has observed: there is no military solution to the conflict in the East. In this context, we welcome the recent talks between the Governments of the Democratic Republic of Congo and Rwanda. We also strongly welcome the appointment of President Obasanjo as the Secretary-General's Special Envoy. We support him fully and we urge that all parties cooperate fully with him within the framework of previous existing agreements.

Mr. Lu Yifan (China) (*spoke in Chinese*): I would also like to make a brief statement. I should like to begin by thanking the Special Representative of the Secretary-General, Mr. Alan Doss, for his briefing on the situation in Eastern Democratic Republic of Congo and the work of the United Nations Mission in the Democratic Republic of Congo (MONUC). I also welcome the presence of the Foreign Minister of Belgium and the Permanent Representatives of Rwanda and the Democratic Republic of the Congo.

China has closely followed the situation in the eastern Democratic Republic of the Congo and is pleased to note signs of improvement there in recent days, including the facts that most parties to the conflict have been observing the ceasefire and that Nkunda's armed forces have begun to withdraw from certain areas. We welcome those developments.

We highly appreciate the good offices and achievements of the Secretary-General, Mr. Obasanjo and the countries and regional organizations concerned. We sincerely call on all factions in the Democratic Republic of the Congo and the parties in the region to seize the opportunity afforded by the easing of tensions in the eastern part of the country to cooperate in good faith with the mediation efforts of the international community and to take regional stability and the national interests of the Democratic Republic of the Congo to heart with a view to restoring general stability in the eastern part of the country.

We note that, in his report (S/2008/728), the Secretary-General expresses concern about the security situation in the eastern Democratic Republic of the Congo. The conflicts there have complex root causes involving multiple factors, including political differences, the unequal distribution of economic resources and tribal clashes. The potential recurrence

of the conflict and its spillover remains. Attaining peace will continue to require the tireless efforts of all parties.

The Nairobi and Goma peace processes were launched in the second half of 2007 and have since made some progress. We appeal to the parties concerned to base their actions on those processes and to initiate dialogue and negotiations to settle their differences, build mutual trust and move the Great Lakes region towards lasting peace and stability. We support the mediation efforts of the United Nations, African countries and regional organizations.

The United Nations peacekeeping resources are sorely stretched at present, yet a few days ago the Security Council nonetheless adopted resolution 1843 (2008), in which it decided to increase the number of troops deployed to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). That decision clearly demonstrates the high priority and attention accorded by the international community to peace and stability. We hope that the resolution will be implemented as soon as possible and the reinforcements deployed on schedule.

MONUC, the largest United Nations peacekeeping operation to date, has made important contributions to the maintenance of international peace and security in the Democratic Republic of the Congo. We agree in principle with the Secretary-General's recommendation to renew the Mission's mandate, and expect the Security Council to begin consulting on the draft resolution submitted by France.

Mr. Sangqu (South Africa): My delegation welcomes the comprehensive briefing made by Mr. Doss, the Special Representative of the Secretary-General. We also welcome the participation of the Foreign Minister of Belgium and the Permanent Representatives of the Democratic Republic of the Congo and Rwanda in this debate.

We continue to be concerned that, despite all attempts to restore peace and security, efforts to stabilize the eastern region of the Democratic Republic of the Congo have experienced significant setbacks recently. Of particular concern was the resumption of fighting on 26 August between the Armed Forces of the Democratic Republic of the Congo and the Congrès national pour la défense du peuple, which has exacerbated the overall humanitarian situation by displacing hundreds of thousands of civilians,

hampering humanitarian assistance and threatening United Nations staff.

The gravity of the human rights situation in the Democratic Republic of the Congo — including arbitrary executions, rape, torture and degrading treatment — calls for an urgent response. It is in that context that my delegation supported the reconfiguration of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the enhancement of its capabilities. We would therefore support the overall review of MONUC's mandate and the strengthening of its rules of engagement.

However, we must point out that, in the long run, even additional peacekeepers will not resolve the political causes of the conflict. It is imperative that the international community synergize and consolidate its diplomatic and political efforts to address the underlying causes of a conflict of this nature. The only way out of this crisis is a coherent political strategy implemented through consistent and concerted help from the Security Council and influential Member States of the region.

It is in that context that my delegation welcomed the appointment of the former President of Nigeria, Chief Olusegun Obasanjo of Nigeria, as the Secretary-General's Special Envoy for eastern Democratic Republic of the Congo. Indeed, his focus on building confidence between and among all stakeholders in the Democratic Republic of the Congo and its neighbours and on addressing the challenges to peace and security posed by the continued presence and activities of illegal armed groups in the eastern part of that country will contribute to resolving some of the root causes of the conflict there.

We wish to highlight some of the important and urgent tasks in the immediate period ahead. All efforts must be deployed to sustain and deepen the implementation of the current ceasefire agreement. The protection of the civilian population is of paramount importance, as are immediate access to humanitarian assistance, the effective implementation of MONUC's mandate and, in particular, laying the groundwork for meaningful dialogue and peace negotiations among all stakeholders in the Democratic Republic of the Congo. My delegation stands ready to assist in any way possible towards the successful implementation of those tasks.

Mr. Kleib (Indonesia): Let me first join previous speakers in thanking Special Representative Doss for his briefing. We should also like to welcome the presence of the Foreign Minister of Belgium and the participation of the Permanent Representatives of the Democratic Republic of the Congo and Rwanda in today's meeting.

We, too, are of the view that there is no military solution to the conflict. The Council and all the members of the international community therefore need to continue to urge all parties to re-engage in the political process in the frameworks of the Nairobi and Goma processes. The long-term success of the peace process in the eastern part of the Democratic Republic of the Congo will depend not only on the sustained political engagement of all stakeholders, but also on the continued support of the country's international partners.

With regard to the issue of illegal armed groups in the eastern Democratic Republic of the Congo, we wish to underscore that their existence and activities remain a core problem that needs urgent attention. All parties need urgently to implement all relevant Security Council resolutions, in particular resolution 1794 (2007), lay down their arms and engage voluntarily and without further delay or preconditions in the disarmament, demobilization and reintegration programme. The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), for its part, should continue its support in that regard.

The involvement of neighbouring States could further complicate the situation and escalate the existing tension in the region. At the same time, we recognize that the refugee issue and its spillover to neighbouring States would naturally create additional pressure for external intervention. The immediate neighbours of the Kivu provinces have enough of their own problems to contend with, let alone having to be prepared to address a massive humanitarian crisis. Moreover, fighting and instability could also spread across the border, raising further tensions in the region. All necessary steps should therefore be taken to address the cross-border issue consistently with the existing framework.

We continue to support the good offices of the Secretary-General, in particular his Special Envoy, to work with leaders in the region to find a solution to the problems underlying the conflict. We believe that the

Special Envoy will continue to provide his able leadership to reverse the current escalation and coordinate the full implementation of the Nairobi communiqué and the Goma agreement.

With regard to the issue of MONUC's mandate, we support the recommendation of the Secretary-General that it be extended for the next 12 months. We also share the Secretary-General's views that MONUC's mandate should be carefully reviewed over the next mandate period. In that context, we wish to underline the importance of retaining the issue of the protection of civilians as the focus of MONUC's next mandate. We would also like to emphasize that under the existing Council resolution, MONUC has a mandate to use all necessary means to protect civilians under imminent threat of physical violence. We are hopeful that the temporary increase of MONUC's military strength, pursuant to resolution 1843 (2008), will enable MONUC to reinforce its capacity to protect civilians.

Finally, while most of our attention is focused on the problem in the Kivu provinces, we should also remain vigilant with regard to the security situation in other parts of the country. It is important for the Council to ensure that the deployment of MONUC resources mostly in the eastern part of the country will not create a security vacuum in other parts of the country that could then become vulnerable to a possible outbreak of violence.

Mr. Hoang Chi Trung (Viet Nam): I wish to thank Assistant Secretary-General Alan Doss for his briefing. My delegation is also very grateful for the presence of the Permanent Representative of the Democratic Republic of the Congo and for his statement. We welcome the presence of His Excellency the Foreign Minister of Belgium, as well as of the Permanent Representative of Rwanda, at our meeting today.

Viet Nam is deeply concerned at the alarming deterioration of the security and humanitarian situation in the eastern part of the Democratic Republic of the Congo. It is a serious setback in the Nairobi and Goma processes, and the conflict has assumed regional dimensions. We are particularly concerned about the grave atrocities and human rights violations targeting civilians, especially women and children, in the conflict areas. We commend the Belgian delegation for their initiative in holding the Arria meeting on the

Democratic Republic of the Congo yesterday, during which deep concerns were expressed at the gravity of the humanitarian situation, especially sexual and gender-based violence and child recruitment.

The Goma and Nairobi processes are the sole framework for lasting peace and stability in the subregion. It is our view that the Democratic Republic of the Congo and Rwanda should undertake joint confidence-building measures to defuse the current crisis and facilitate the search for a comprehensive political solution to the conflict.

We hold that all stakeholders in the Democratic Republic must renounce violence and military options, seriously revive the Goma process and respond actively to the United Nations security, stabilization and support strategy for the eastern part of the Democratic Republic of the Congo. We commend the good offices efforts by the Secretary-General and leaders of the European Union and the African Union in facilitating the search for a lasting and comprehensive solution. We welcome the outcome of the Nairobi summit, the joint statement of 7 November and the appointment by the Secretary-General of his Special Envoy for the Great Lakes Region. We hope that it will help revive the Goma and Nairobi processes.

Viet Nam wishes to reiterate its support for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and for its discharge of its mandated duties. We also take note of MONUC's efforts in helping to control the recent fighting, in protecting civilians and in improving the capacity of the Armed Forces of the Democratic Republic of the Congo (FARDC).

However, we believe there is still room for improvement in MONUC's performance. MONUC should better implement its principal responsibility of civilian protection, especially after its reinforcement in accordance with resolution 1843 (2008). We believe that within its current resource constraints, MONUC should make the most of its deployment and reconfiguration and should better cooperate and coordinate with FARDC to ensure the successful implementation of its mandate, especially in the area of protection of civilians in the eastern part of the Democratic Republic of the Congo.

Mr. Mantovani (Italy): At the outset, I wish to welcome the presence among us of His Excellency

Foreign Minister De Gucht and Special Representative Doss, as well as the presence of the Permanent Representatives of the Democratic Republic of the Congo and Rwanda.

We are all well aware that the solution of the conflict in the eastern part of the Democratic Republic of the Congo will have to be a political one and will need the support of all regional stakeholders. Yesterday's Arria Formula meeting showed very clearly that beyond the calls for a stronger and more effective role for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) on the ground, grass-roots and international civil society organizations are increasingly focusing their attention and expectations on the new role of the United Nations on the political track, and they rely on the leadership of the new Special Envoy, former President Obasanjo.

It is crucial for the Security Council to place all its weight behind the action of the Special Envoy. In that sense, a political message to be delivered through our resolution on MONUC's renewal will be as important as, if not more important than, our decisions on the Mission's mandate. That message should be constructed in a timely manner, together with the Special Envoy of the Secretary-General.

As highlighted by yesterday's interaction with civil society, we will have to respond to the expectations of the people whose lives are affected by the conflict. The people of the Kivus are well aware of MONUC's objective constraint. However, as we heard yesterday, they wonder why, in spite of MONUC's clear and robust humanitarian mandate and in spite of its forces, its action has at times given the impression of missing its goal in terms of resolve and cohesion.

The primary purpose of the Security Council will be to reverse that perception. The Council should do so by further clarifying the principle that the Mission's top priority lies in the protection of civilians. It will be important to indicate clearly in the text of our new resolution what that task entails in terms of provisions of humanitarian corridors as well as of active protection of human rights.

MONUC should be an instrument in the fight against impunity, without exception, with a specific task of reporting on the most serious violations committed during the latest waves of fighting. As recalled by the Secretary-General in his report, those

who have committed international crimes should be aware that international justice will be applied, including through the International Criminal Court.

However, in order to sustain its humanitarian objectives, MONUC should also contribute to tackling the underlying factors of instability. It should be tasked with a stronger role in supporting the creation of a credible national army while preserving its neutral role as a United Nations peacekeeping force.

Mr. Shcherbak (Russian Federation) (*spoke in Russian*): We welcome the participation in the meeting of the Minister for Foreign Affairs of Belgium, Karel De Gucht, and of the representatives of the Democratic Republic of the Congo and Rwanda. We are grateful to the Special Representative of the Secretary-General, Alan Doss, for his substantive briefing on the activities of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and on the situation in that country.

The Russian Federation supports the policy of diplomatic efforts on the part of the international community to stabilize the situation in the east of the country. It is extremely important to prevent further escalation of tensions and their spread to the subregion. We are convinced that military means for resolving the Congo problem do not exist. The sole path, with no alternative, is that of dialogue and the return of the parties to full implementation of the peace agreements achieved in Nairobi and Goma. We call on the armed units of the Congrès national to abide by the ceasefire, cease hostilities, retreat to pre-28 August positions and return to the implementation of the Goma agreement.

The collective efforts of the countries of the Great Lakes region to resolve this crisis situation are of particular importance. It is important to re-establish a climate of trust and confidence between the Congo and Rwanda, including by using the facilitator mechanism established by Mr. Obasanjo and Mr. Mkapu. The efforts of the Special Envoys are already yielding considerable positive results.

Within the country, the Government, in our view, should step up multilateral efforts to resolve the crisis, including through intensified activity to resolve the problem of the presence of troops of the Forces démocratiques de libération du Rwanda on the territory of the Democratic Republic of the Congo. The best way to resolve the crisis would be through the

implementation of the disengagement plan proposed by MONUC and through a regional summit.

The conflict is multifaceted, and it is clear that discrete measures will not yield the desired outcome. In order to restore real stability, there is need for a wide-ranging, comprehensive approach, including a broad set of legal, political and international tools. These include, above all, bilateral and multilateral negotiations; mediation; peacekeeping, with MONUC making full use of its mandate, in accordance with the Charter of the United Nations; bringing to justice those guilty of crimes against humanity and war crimes in the eastern Democratic Republic of the Congo; increased military and economic assistance to the country; and tightened control over compliance with the sanctions regime imposed by the Security Council. All of those elements are required.

A key objective is for the Government to intensify its efforts to build a national army that can ensure security in provinces far from the centre, as well as its efforts on security sector reform.

Broadly speaking, we agree with the conclusions set out in the report of the Secretary-General (S/2008/728) and the recommendations regarding immediate measures that would promote the restoration of peace in the eastern part of the country.

As to the mandate of MONUC, we believe that the Mission already has an adequate set of competencies. Under resolution 1843 (2008), the military component of the Mission is being substantially strengthened. In our view, the proposal to further strengthen the mandate requires extremely careful, thorough and painstaking consideration that takes account of the views of the troop-contributing countries. The Security Council must be extremely balanced and cautious in considering the matter of giving United Nations peacekeepers the ability to make independent use of coercive force against troops of the Democratic Republic of the Congo and other countries.

In conclusion, my delegation expresses its readiness to participate in constructive work on a draft resolution extending the Mission mandate for a further year.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as the representative of Costa Rica.

I wish to begin by thanking Mr. Alan Doss, Special Representative of the Secretary-General, for his briefing and by taking advantage of his presence here to pay tribute to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) for its efforts over the past months. My thanks go also to Mr. Karel De Gucht, Minister for Foreign Affairs of Belgium, for his presence at today's meeting.

Yesterday's Arria Formula meeting gave Council members an opportunity to ponder the tragedy taking place in the Democratic Republic of the Congo. The international community, and in particular the Security Council, has the responsibility to protect those who are suffering the consequences of violence in the Democratic Republic of the Congo. The Council has the responsibility to protect women and girls who are victims of the cruellest forms of violence resulting from the climate of impunity that prevails in the Kivus. We also have the responsibility to protect boys and girls who are being forcibly recruited by militias. Finally, we have the responsibility to protect the more than 1.35 million people who have now been displaced.

The Council, thus, has clear responsibilities, and we must now discuss the steps that must be taken to meet those responsibilities. The Council has taken the initial step of authorizing the deployment of additional personnel, in response to a request by Mr. Doss — which Costa Rica has supported from the outset. My delegation believes that, in addition to this military reinforcement, the Council must carefully analyse the Mission's mandate and how it is being implemented on the ground, especially in the light of the collapse of the Armed Forces of the Democratic Republic of the Congo in the Kivus.

We welcome the Secretary-General's statement in paragraph 60 of his report (S/2008/728) that MONUC will act to protect civilians. That has been reaffirmed by Special Representative Doss on several occasions. MONUC's priority must continue to be the protection of civilians, and my delegation will support efforts to strengthen its mandate in that regard.

We believe too that the illegal exploitation of and trade in minerals is among the main factors sustaining the illegal militias in the area. The Council needs to consider how MONUC can help combat that problem. The Government of the Democratic Republic of the Congo must shoulder its responsibilities in that respect

and take the measures necessary to prevent elements of its armed forces from colluding with illegal militias in the illegal exploitation of and trade in minerals. Here, the bordering countries also have a responsibility, and they must prevent their territories from being used for illegal trade in resources from the Democratic Republic of the Congo.

My delegation was pleased to see in the report the Secretary-General's comments about MONUC's support for the Armed Forces of the Democratic Republic of the Congo in the north-east, in Orientale province, where the objective is to contain the threat posed by the Lord's Resistance Army. My country has repeatedly expressed its concern for the civilian population in that area and its view that it is important for MONUC to be deployed there in order to protect them.

We take note of the statements made by Lord's Resistance Army leaders about their intention to sign the final Juba peace agreement by the end of this month. We hope that, this time, that will prove to be true, and we urge Mr. Kony to sign the agreement as soon as possible.

I wish in conclusion to state our concern about reports of political repression and human rights violations by the State security forces of the Democratic Republic of the Congo. We urge the Congolese authorities to take appropriate measures in that regard, in particular to combat impunity.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Rwanda.

Mr. Nsengimana (Rwanda) (*spoke in French*): My delegation thanks you, Mr. President, for having organized this meeting on the situation concerning the Democratic Republic of the Congo and for inviting it to participate. My delegation welcomes the presence of His Excellency the Minister for Foreign Affairs of the Kingdom of Belgium. We welcome Mr. Alan Doss, the Special Representative of the Secretary-General, and thank him for his briefing. Our thanks go also to the Secretary-General for his efforts to find an appropriate solution to the problems we are facing, in particular through his appointment of His Excellency President Obasanjo as his Special Envoy for the Great Lakes Region.

My delegation welcomes the efforts of heads of State or Government of countries of the Great Lakes region and of the Southern African Development Community (SADC), including in particular the outcome of the meeting held on 7 November in Nairobi and the 9 November meeting of SADC. We also thank the secretariat of the International Conference on the Great Lakes Region for its efforts.

Any solution to the security problem in the Democratic Republic of the Congo must be based on firm political will and on accurate information regarding the true situation in the Democratic Republic of the Congo, in particular in the eastern part of the country.

If it is to benefit from accurate information, the Security Council should ensure that it receives as complete information as possible. It should avoid holding meetings that are too restricted and giving the floor to persons whose anti-Rwandan positions are well known, as occurred, for example, yesterday afternoon, in the absence of the delegation of Rwanda.

The dangers of such practices are that the Security Council will be misinformed, leading to the risk of a biased solution, the underpinning of its efforts to find a solution in the field, the perpetuation of the horrible problems afflicting the population of the Democratic Republic of the Congo, and the ongoing expenditure of funds that could otherwise serve other purposes.

My country would like to exercise its right of reply to the mendacious assertions made about Rwanda in yesterday's Security Council meeting on the Democratic Republic of the Congo. We hope that the Security Council will give us the opportunity to do so in a meeting of the same format — and, if possible, to confront the politically motivated specialists who had been invited — in order to ensure that the Security Council has accurate information.

My delegation reaffirms Rwanda's resolve to contribute to settling the security problem in the Democratic Republic of the Congo. Such a solution can come about only by stemming the underlying cause of that situation, namely, the presence of members of the former Rwandan armed forces and Interhamwe and the Forces démocratiques de libération du Rwanda, who kill, rape, recruit child soldiers and intelligence agents, live off the backs of the population and exploit the mineral resources of the Democratic Republic of the

Congo. Here, I would note resolution 1804 (2008), which has remained a dead letter to date. The solution to these problems can come about only through the implementation of the agreements already signed, of which there are many.

My delegation is gratified by the actions under way between Rwanda and the Democratic Republic of the Congo undertaken by countries of the Great Lakes region, the Secretary-General, the Security Council, in particular through the United Nations Organization Mission in the Democratic Republic of the Congo, the

Special Representative of the Secretary-General, Mr. Alan Doss, and the Special Envoy of the Secretary-General, President Obasanjo. My delegation also welcomes the efforts of the entire international community to find a solution to this terrible situation.

The President (*spoke in Spanish*): There are no further speakers on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 12.40 p.m.



Security Council

Sixty-third year

Provisional

6025th meeting

Wednesday, 26 November 2008, 3 p.m.
New York

<i>President:</i>	Mr. Urbina	(Costa Rica)
<i>Members:</i>	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Mr. Li Kexin
	Croatia	Mr. Jurica
	France	Mr. Ripert
	Indonesia	Mr. Kleib
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. De Vengoechea
	Russian Federation	Mr. Shcherbak
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2008/692)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.



The meeting was called to order at 3.15 p.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration in Kosovo (S/2008/692)

The President (*spoke in Spanish*): I should like to inform the Council that I have received letters from the representatives of Albania, Germany and Serbia, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

On behalf of the Council, I extend a warm welcome to His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of the Republic of Serbia.

At the invitation of the President, Mr. Jeremić (Serbia) took a seat at the Council table; Mr. Neritani (Albania) and Mr. Ney (Germany) took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of the provisional rules of procedure to Mr. Lamberto Zannier, Special Envoy of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK).

It is so decided.

I invite Mr. Zannier to take a seat at the Council table.

In accordance with the understanding reached in the course of the Council's prior consultations, I shall take it that the Security Council agrees to extend an

invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Skender Hyseni.

It is so decided.

I invite Mr. Hyseni to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2008/692, which contains the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.

At this meeting, the Security Council will hear a briefing by Mr. Lamberto Zannier, Special Representative of the Secretary-General for Kosovo and head of the United Nations Interim Administration Mission in Kosovo, on whom I now call.

Mr. Zannier: The report that the Council has before it today (S/2008/692) describes in detail the activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) for the period 26 June to 31 October 2008.

The overall security situation has remained calm and stable throughout that time. However, the political situation and the institutional landscape remain complex. I first addressed the Council just over a month after my arrival in Kosovo (see S/PV.5944). Since then, I have had the opportunity to gain a more nuanced reading of the situation on the ground.

Kosovo is undergoing a period of transition and adaptation to the new circumstances created by its declaration of independence on 17 February and the subsequent entry into force of its constitution. In fact, that transition is proving to be more complex than many observers expected. Against the expectation that Kosovo would be recognized quickly by a large number of United Nations Member States, in fact, the pace of recognition slackened over the summer and it has now reached the number of 52.

The slower than predicted process of recognition is hampering Kosovo's ability to forge ties with external actors, obtain membership of international organizations and reinforce the institutions of self-government. Nevertheless, Kosovo expects to become

a member of the International Monetary Fund and the World Bank next year.

Assisted by many of the United Nations Member States that have recognized Kosovo, the Government, the presidency and the Assembly have continued to consolidate their control and authority over Kosovo's institutions. In any case, it has been encouraging that the overall atmosphere in Kosovo was generally calm throughout the summer, that there have been no major security incidents and that a series of minor problems have been managed and contained by low-level intervention.

As far as UNMIK is concerned, it is now entering a new phase of its nine-year existence. In his report of 12 June (S/2008/354), the Secretary-General indicated to the Council his intention to reconfigure the international civil presence in Kosovo, since basic consent to direct administration by UNMIK has, in practice, disappeared.

UNMIK has since undertaken a thorough review of its size and functions, in order to be able to operate in the most appropriate way in this environment of change. We need to concentrate on the fields where we can still make a difference for good, rather than attempt to continue functions that are neither relevant nor needed.

UNMIK's role is becoming much more political. For example, it is providing an interface for the process of dialogue between Belgrade and Pristina. Since it has not yet been possible to establish conditions for the two sides to talk to each other, UNMIK has a role as an interlocutor for both, although each side interprets that role in a different way.

I have visited Belgrade several times during the reporting period and seen some progress towards resolving some very controversial issues. I consider particularly important the recent reopening of the courthouse in northern Mitrovica, which had not functioned since the public disturbances there in March. That step, in its initial phase, with the court being operated by UNMIK under resolution 1244 (1999), appears to be acceptable to both Belgrade and Pristina.

Complex negotiations are continuing on seeking agreement on the next phases, with the objective of fully normalizing the operation of the court. However, those negotiations are proving very difficult, especially

on issues such as the future jurisdiction of the court once there has been a transition.

I urge all parties to continue acting responsibly and constructively and to accept the current transitional arrangements until those issues are resolved. If we can build up trust and cooperation through the construction engagement of all sides, there is hope for progress in other areas. Maintaining the momentum requires the good faith and the necessary political will of all concerned.

I would now like to say something about how UNMIK is adapting in order to maintain its relevance and usefulness in Kosovo in implementing resolution 1244 (1999). We have planned the process in three phases. The first phase is almost complete. It is intended to enhance the political and diplomatic elements of the Mission, joining the residual elements of the civil administration with political affairs and with more modest adjustments to the public information office and other departments. The plan during that phase was based on the premise that, although resolution 1244 (1999) remains in force and still provides a mandate, recent actions by Kosovo's institutions have made it no longer possible or practical for UNMIK to function as an administrator. As a result, we are reorienting our field presence to concentrate on areas occupied by non-Albanian communities, with a mandate to monitor the interests of those communities and retain a supporting and mediation role.

In my previous address to the Council, I indicated the intention to enhance our interaction with the Organization for Security and Cooperation in Europe (OSCE) pillar. I have since made the explicit suggestion at the OSCE Permanent Council in Vienna for the OSCE to consider strengthening and focusing its activity in Kosovo. We are now taking steps to better integrate our common efforts, especially at the field level, in the spirit of resolution 1244 (1999) and in a status-neutral mode.

The next phase, which involves essentially the administration and support services internal to the Mission, cannot be completed until reconfiguration in the area of the rule of law is under way, because the size of the support services depends on the total size of the Mission. Our broad target is a reduction in staff of approximately 70 per cent, including the rule of law elements, but that will not be achieved until all three phases are complete. For now, UNMIK remains the

principal international guarantor of the rule of law in Kosovo.

The Council is aware of the European Union's willingness to launch its own rule of law mission in Kosovo within the framework provided by resolution 1244 (1999). European Union Rule of Law Mission Kosovo (EULEX) staff are now deploying at an increasingly accelerated rate. Once EULEX has deployed throughout Kosovo, under the umbrella of the United Nations, in the police, justice and customs sectors, UNMIK will review its own presence accordingly.

The report presented by the Secretary-General describes the conditions under which EULEX is to be deployed and the acceleration of UNMIK's reconfiguration that that will entail. The report also describes the results of the dialogue with Belgrade mandated by the Secretary-General's letter of 12 June (S/2008/354, annex I). Those arrangements, which have been accepted by the Serbian Government, will largely translate into a more focused dialogue between the sides to address the issues identified in the six areas. In view of the strong objections by the Pristina authorities to those temporary arrangements and taking into account an alternative four-point plan put forward by them, the Secretary-General has asked me to reassure the authorities in Pristina that implementation will proceed on the basis of close cooperation and coordination.

Before concluding, I would like to offer a personal observation. Nearly a decade after the end of the conflict in this region, Kosovo fundamentally remains an ethnically segregated society. Although the authorities in Pristina are firmly committed to a multi-ethnic society, including on the basis of their constitution, Kosovans, Albanians and Serbs live apart, in parallel worlds. To a certain extent this happens peacefully, but the potential for conflict is always there, and recently, we have seen an intensification of small incidents in the north.

Although the questions regarding Kosovo's status contribute to this situation, the international community should redouble its efforts to promote better conditions for safe and sustainable returns, which are currently at the lowest level since 2000, and for unimpeded freedom of movement throughout Kosovo for all communities. As we look for practical solutions through the ongoing process of dialogue — a

process requiring great patience, persistence and good will — I will continue to be guided by the basic principles of inclusion, integration and protection of the most vulnerable elements of Kosovo society.

In conclusion, let me say that UNMIK has constantly adapted itself to change, but the Mission has always sought to carry out its mandate under Security Council resolution 1244 (1999). That mandate has to be interpreted in the light of events. We are no longer engaged in relief work, for example, and have not been for a long time. By focusing on the fields where there is still some room for intervention and where we can still make a difference, UNMIK can best discharge its responsibilities to the Security Council under its mandate.

The President (*spoke in Spanish*): I thank Mr. Janjani for briefing.

I now call on the Minister for Foreign Affairs of Serbia.

Mr. Jeremić (Serbia): I am glad to be taking part in one of those occasions in which the errors of the past, carried out in the name of bare political expediency, can begin to be set aright through a series of acts characterized by strategic foresight, vision and prudence. We have the chance to engage in a common effort to attenuate the effects of a serious challenge to the foundations of the international system that took place on 17 February 2008. On that day, the ethnic Albanian authorities of Serbia's southern province of Kosovo and Metohija unilaterally declared independence from a State Member of the United Nations in direct violation of its democratic Constitution and against the will of the Security Council.

In all the meetings of the Security Council devoted to our southern province, Serbia has insisted upon the full respect of the binding obligations of the Charter of the United Nations, as well as this Council's resolution 1244 (1999), which guarantees the sovereignty and territorial integrity of my country. I make no apology for this. I celebrate the fact that Serbia is unwavering in its determination to defend its principled position on Kosovo peacefully, using all political, diplomatic and legal means at our disposal. We will continue to do so in the future.

I would like to take this opportunity to thank all the States Members of the United Nations that support

Serbia's position on Kosovo's unilateral declaration of independent, the first among these valiant equals being the Russian Federation. Our nations stand together, dedicated to safeguarding the principles set forth in the Charter of the United Nations.

Serbia's insistence on resolving Kosovo's future status in accordance with international law has not only been invoked for reasons of vital national interest and constitutional necessity, nor merely out of genuine care for regional peace and stability. We have also done so out of a fundamental concern about the dangerous consequences the Kosovo precedent could have for the survival of the United Nations system as we know it.

We hold that the argument that Kosovo is *sui generis* — in other words, a unique case — is untenable. The *sui generis* contention comes down to saying that Kosovo should be treated as exempt from international law and that Kosovo should stand beyond the rules that govern the behaviour of the international community. The Republic of Serbia strongly rejects this claim, believing that no one can claim the right to proclaim such exceptions, especially in defiance of the Security Council.

Serbia's position has remained consistent. The only way to avoid challenging the territorial integrity of any United Nations Member State is for the world community to work constructively together to solve this issue through international institutions of indisputable and universal legitimacy. On 8 October, the General Assembly supported Serbia's position by an overwhelming majority. It adopted a resolution to refer the question of status to the International Court of Justice. Thanks to this support, an issue of such fundamental importance and complexity, which passionately involves all at once identity, boundaries, communal rights and opposing historical narratives, has been steered clear of resort to the force of arms for the first time in the history of our region.

Referring this matter to the judicial arena was a reaffirmation by the world community of Serbia's strategic choice to respond to the universal declaration of independence peacefully and with maximal restraint. It is the first in a series of steps designed to create an environment in which lasting stability can be secured, law strengthened and the sovereign equality of nations reinforced.

The second involves restoring legitimacy to international action in our southern province. On

12 June, the Secretary-General issued a report in which he informed the Security Council of his intention to begin reconfiguring the international civilian presence in Kosovo. This was done without the approval of the Republic of Serbia, the host country of the United Nations Mission in Kosovo. And it was done without the endorsement of the Security Council, the only institution endowed with the power to legitimate changes in the composition of the international presence in Kosovo, as paragraphs 5 and 19 of resolution 1244 (1999) make abundantly clear.

Ignoring the will of Serbia and infringing on the statutory prerogatives of the Security Council sets the stage for a crisis of legitimacy. Just as with the universal declaration of independence, the Republic of Serbia responded in a non-confrontational manner. On 25 July, we addressed the Council to repeat our position that it is of "crucial importance [for reconfiguration to proceed] ... with the full engagement of Serbia. It must be completed with our acceptance and explicitly approved by the Security Council. That is the only way", we concluded, "to deliver legitimacy and ensure sustainability of our work" (S/PV.5944, p. 6). Our point was clear: the voice of Serbia must be respected.

On that basis, an understanding with the Secretary-General was reached in which a dialogue between Serbia and the United Nations would intensify on six topics of mutual concern: police, judiciary, customs, transportation and infrastructure, administrative boundaries and Serbian patrimony. After months of difficult negotiations, I am pleased to say that an agreement has been reached. Its provisions are detailed in the report we have before us.

That dialogue will continue. Serbia will remain constructive in the ongoing dialogue with the United Nations, while holding to its principled position on Kosovo, rooted in our country's Constitution and in Security Council resolution 1244 (1999).

Our present achievement is of great significance. It creates the conditions to protect the well-being of Serbs and other gravely endangered communities in Kosovo, and it cements the fact that the Republic of Serbia remains indispensable to the self-governance of our southern province.

Serbia's long-standing position of support for the deepening of the European Union's engagement in any part of Serbia, including Kosovo, has never been at

issue. The European Union can and should help to build the much-needed institutional and societal fabric of our southern province. That has been impossible until now because of the way reconfiguration began. What has always been a crucial condition for our acceptance of reconfiguration is the clear and binding commitment of the European Union, confirmed by the Security Council, to being fully status-neutral and to anchoring completely its presence in Kosovo under the authority of the United Nations, in conformity with resolution 1244 (1999).

I am pleased that those reasonable conditions have been met. The explicit language of the report confirms the status neutrality of the engagement of the European Union Rule of Law Mission in Kosovo (EULEX), which is a guarantee that no part of its mandate can be devoted to the implementation of the Ahtisaari plan for Kosovo's independence, which was rejected by the Republic of Serbia and "not endorsed by the Security Council" (*S/2008/692, para. 5*), in the words of the report that is before us today. The Republic of Serbia gives its full consent to the six-point agreement and the conditions laid out for the deployment of EULEX. We welcome the Secretary-General's report and invite the Security Council to endorse it.

I must confess my disappointment at the position that the authorities in Pristina have taken on the Secretary-General's report. What is of great significance, however, is that the implementation of the six points, as well as the deployment of EULEX — which, to quote the report, "will fully respect Security Council resolution 1244 (1999) and operate under the overall authority and within the status-neutral framework of the United Nations" (*ibid, para. 50*) — shall nonetheless be put into operation; and that it shall be done in consultation with relevant stakeholders, such as the Republic of Serbia. I call on the authorities in Pristina neither to obstruct the will of the international community nor to oppose the binding resolve of the Security Council.

I take this opportunity to draw the Council's attention to the difficult environment in which the most endangered community in Europe continues to live. For many Serbs in Kosovo, their fate continues to depend on how they feel they can survive despite the enormous hostility of their immediate surroundings. The representative of the Kosovo Albanians is present today in his personal capacity. In his previous remarks

to the Council, he claimed that Kosovo is an idyllic multi-ethnic place where democratic perfection is just around the corner. I therefore invite the Council to consider the following.

What of the abominable act of cultural cleansing that is the paving over of the ruins of the recently destroyed Serbian church in the centre of Djakovica, thus compounding physical destruction with the attempt to erase every trace of its very existence?

What of the defiance of the municipal authorities in Decani to restore the cadastral record of land belonging to the monastery of Visoki Decani, designated by UNESCO as a World Heritage Site and placed on its list of endangered places, notwithstanding two executive decisions by the Special Representative of the Secretary-General ordering them to do so?

What of the return of illegally seized private property? More than 30,000 such cases are outstanding. Those affected — Kosovo Serbs in particular — barely manage in makeshift dwellings or camps for internally displaced persons, while Kosovo Albanians continue to live in their homes and make use of their agricultural fields without any fear of prosecution.

What of the fact that, according to United Nations figures, only 107 displaced Kosovo Serbs returned to their homes in the first nine months of this year?

What of the break-in at the Kosovo Trust Agency compound by officials of the parallel institution known as the privatization agency of Kosovo, done in the presence of local police?

What of the seizure of massive quantities of medicine and medical equipment destined for North Kosovo or the enclaves?

What of the most recent stoning of Serbs in Kosovska Mitrovica and the use of automatic weapons by ethnic Albanians against unarmed Serbian civilians and international police?

Finally, what of the repeated assaults on international civilian officials in Kosovo?

Those and many other similar questions are disturbing indeed. As Member States of the United Nations, I believe it is our solemn duty to seek the answers to them.

In conclusion, I would like to say that quickly achieving full membership in the European Union will continue to be the central strategic priority of the Republic of Serbia. That should also remain the priority of all other United Nations Member States in the Western Balkans. The caravan of history that began its journey with the Treaty of Rome will not stop. We must make sure that no one is left behind as it goes by.

We have been very clear as to who we are and what we want. Serbia continues to believe in the shared destiny of all European nations. We remain dedicated to embrace Robert Schumann's dream of an organized and living Europe that is indispensable to the maintenance of peaceful relations among States. That is at the foundation of our democracy, our efforts at reconciliation and our belief in what we can accomplish together. They remind us of the importance of cooperation, compromise and consensus-building, while prompting us to remain true to the moral compass the values themselves provide for all who have the prescience to see beyond the first obstacle on the way.

Serbia — a whole Serbia, including its sovereign province of Kosovo — now a member of the United Nations, will join the European Union in the next few years. We will join the European Union with our heads held high, with our territorial integrity intact and with our sovereignty preserved.

Like most other nations, mine has travelled through periods of tragedy and periods of glory. Sometimes it is tragedy that produces the opportunity to achieve new heights; but those heights are not reached by simply inventing new history. That is why Serbia will never, ever, accept the independence of Kosovo, come what may. New heights are achieved by honouring all that constitute one's national identity, not by denying it. New heights are achieved by nurturing heritage, not by suffocating it. Achieving new heights is about a nation being proud of its past while reaching beyond its present.

Martin Luther King said that the arc of the moral universe is long, but it bends towards justice. It comes to all in the end. So it has always been, so it is and so it will be. And so will be Kosovo: part of Serbia forever.

Thank you, Mr. President, for giving me the opportunity to address the Security Council at a time of great consequence for us all.

The President (*spoke in Spanish*): I now give the floor to His Excellency Mr. Skender Hyseni.

Mr. Hyseni: I would very much like to thank you, Mr. President, for the opportunity to share with the Security Council our views on the current state of affairs in the Republic of Kosovo and on the challenges ahead of us. It is an honour to speak before the Council today about the continued progress in Kosovo after independence, with particular emphasis on the developments in and around Kosovo since my last Statement to the Security Council, on 25 July 2008.

Let me once again underline the important role that the Security Council has played at every stage of Kosovo's post-war development.

I am very proud of the progress that my country and my Government have made since the declaration of independence, on 17 February. In nine busy months, we have laid the foundations for a democratic and multi-ethnic State at peace with all its neighbours and firmly established on its path towards integration into Euro-Atlantic structures. We have adopted a modern constitution, which is based on the recommendations of Nobel Peace Prize winner and former United Nations Special Envoy for Kosovo Marti Ahtisaari and provides far-reaching protections for ethnic minorities.

Our Government has worked intensively to implement both the ideals and the objectives enshrined in the Constitution and the Ahtisaari Plan. The municipalities of Kosovo have been afforded a large degree of local governance under Kosovo's new legal framework. Members of Kosovo's ethnic minorities — including the Serb community — regularly participate in Parliament sessions, in the Government and in other institutions of the Republic of Kosovo.

Fifty-two States from around the world have recognized our independence, including a majority of nations represented in this Council. The recognition of Kosovo as an independent and sovereign State has continued. Since I last addressed the Security Council, another nine countries around the world have recognized my country as an independent and sovereign State. Let me take a minute here to extend our profound thanks and appreciation to the peoples and Governments of Colombia, Belize, Malta, Samoa, Portugal, Montenegro, Macedonia, the United Arab Emirates and Malaysia for supporting the right of the people of Kosovo to freedom and independence.

There have also been practical moves and measures, even on the part of countries that have not yet recognized Kosovo's independence formally, to accept our passports and find ways to accommodate the reality of an independent Kosovo. The recent recognitions are further clear evidence of the progress Kosovo has made in all areas since the declaration of independence. Recognition by Montenegro and Macedonia, our closest neighbours, besides confirming that Kosovo's independence has added significantly to the overall stronger sense of safety and stability in the western Balkans, has also strengthened the will and determination of the countries of the region to work together more closely on many issues of common concern and interest. We and all the countries of the region hope that, in due course, the Republic of Serbia will also join in the efforts to establish an environment of cooperation and understanding in the region, including the normalization of relations with the Republic of Kosovo.

Most countries in Europe have already recognized Kosovo, underscoring what we in Kosovo already know — that our hearts and our place are in Europe. The people of Kosovo are grateful to all the Governments that pledged nearly \$2 billion in economic development assistance to the Government of Kosovo in July, including some countries, such as Saudi Arabia, that have not yet taken the decision to recognize us. We are deeply thankful to NATO members for continuing to provide resources and personnel to help ensure the safety and security of our country.

I expect more recognitions in the coming months, in spite of the fact that the Serbian Government requested from the International Court of Justice an advisory opinion on Kosovo's independence. It is regrettable that such a request was ever made. We and many of our international supporters have noted repeatedly that the question of the independence of the Republic of Kosovo is settled and irreversible. We are confident, though, that the referral to the Court will not hinder nations around the world from assessing Kosovo's continued progress or their eventual decision to recognize its independence.

We are going to take an active part in presenting our case before the International Court of Justice. We are confident that the Court's deliberations will be fair and impartial. We also strongly believe that our position will be reconfirmed. Kosovo will, however,

pursue its development and progress as an independent State working with our international partners and friends. We will pursue further recognitions of Kosovo's independence through diplomatic activity and persistent international outreach from various sectors of our society. We have already started the membership processes with the International Monetary Fund and the World Bank, and we will in due course initiate the process of seeking membership with other international financial and political institutions.

The first 10 embassies of the Republic of Kosovo have already been established. I am very pleased and happy that today, sitting next to me in this Chamber, I have Mr. Avni Spahiu, the head of our embassy in Washington, D.C. The first half of 2009 will see the establishment of another 10 to 15 embassies of the Republic of Kosovo throughout the world.

In spite of the huge progress achieved so far, we are deeply conscious of the tasks that still lie ahead of us. Among the most pressing is the need to establish a unitary system of rule of law with a European perspective. On the very day that independence was declared, the sovereign authority of the Republic of Kosovo — the President of the Republic of Kosovo — invited the European Union and NATO to perform specific functions in an independent Kosovo. The Parliament of the Republic of Kosovo, other State institutions and the people of Kosovo have endorsed and welcomed the establishment of the International Civilian Office to supervise the implementation on the ground of the provisions of the Ahtisaari comprehensive settlement proposal.

The deployment of the European Union Rule of Law Mission in Kosovo (EULEX), which has been designed to help the Kosovar institutions in the police and justice sectors, also enjoys the full support of the people and State authorities of Kosovo. The deployment of EULEX throughout Kosovo is critical and indispensable in all possible terms. Central and local authorities in Kosovo look forward to working closely with EULEX to improve the living conditions, safety and security of all citizens of the Republic of Kosovo.

We are therefore very committed to the early deployment of EULEX throughout Kosovo, in accordance with the mandate that derives from the Kosovo Declaration of Independence, the Ahtisaari package, the Constitution of the Republic of Kosovo,

the laws of the Republic of Kosovo, the European Union joint action plan of 4 February 2008, and the invitations of 17 February and 8 August 2008 for EULEX deployment.

In a declaration of 18 November, the institutions of the Republic of Kosovo made very clear their rejection in its entirety of the six-point proposal contained in the Secretary-General's report (S/2008/354). Our position and response to the report remains the same. We cannot permit any action that infringes upon the sovereignty and territorial integrity of the Republic of Kosovo. We will cooperate with EULEX on its deployment throughout Kosovo on the basis of the mandate deriving from the aforementioned documents, fully respecting the sovereignty, territorial integrity and unitary character of the Republic of Kosovo.

We note that the international community has continued to underscore the illegitimacy of parallel municipal structures, self-declared municipal officeholders, and attempts in some Serb majority areas to intimidate those individuals who wish to work with their Albanian neighbours to build a better future for all of Kosovo. As always, the institutions of the Republic of Kosovo will continue to cooperate with the European Union, the United States and NATO to achieve those goals. Close cooperation between the Republic of Kosovo and our international partners is indispensable as we implement the Ahtisaari plan and as we work to build a multi-ethnic Kosovo based on democratic values and the highest international standards.

Once again, Kosovo welcomes EULEX and looks forward to its reaching operational capability in December. EULEX will help reinforce the European perspective and orientation that is critical to my country's future. Our Government and our people pledge to cooperate with EULEX as we work to implement the Kosovo Constitution and strengthen the rule of law throughout Kosovo, a goal that is to the benefit of all the people of Kosovo and in the interest of all countries in the region.

As we persistently seek ways to reach out and cooperate with Belgrade on many issues of common interest, and in the framework of regional cooperation structures and initiatives, so we continue to react with restraint and moderation to provocations coming from Serbia, believing this approach to be the only way

towards the establishment of a democratic and multi-ethnic State. In an independent Kosovo there is room and opportunity for all. Our future lies squarely on the path to European integration, and Kosovo intends to pursue this path very vigorously.

In conclusion, let me emphasize Kosovo's strong commitment to becoming a contributing member of the international community. The Republic of Kosovo looks forward to working with all of the members of the Council to promote the shared goals of international peace and safety. Once again, I wish to thank the Council for the opportunity to present the views of the Republic of Kosovo.

The President (*spoke in Spanish*): I shall now give the floor to members of the Council.

Mr. Ripert (France) (*spoke in French*): Let me first of all thank Mr. Jeremić, Minister for Foreign Affairs of Serbia, and Mr. Hyseni, Minister for Foreign Affairs of Kosovo, for their presence. We have listened carefully to their statements. I would like to tell Mr. Lamberto Zannier, Special Representative of the Secretary-General, how very much we appreciate the efforts he made under the guidance of the Secretary-General to have a dialogue between the parties leading to the emergence of a consensus on the international presence in Kosovo.

In June, the Secretary-General launched a reconfiguration of the international civilian presence in the context of resolution 1244 (1999). Before and after the decision, he maintained a permanent dialogue with all of the parties concerned. This dialogue made it possible to elicit a common goal over and above all differences, a goal to preserve stability in Kosovo and the region. We now derive from this goal something everyone agrees on, which is that a reconfiguration of the international presence initiated in June by the Secretary-General is the best way to achieve this goal.

We welcome the report of the Secretary-General (S/2008/692). It is time to accelerate the reconfiguration of the international presence. In this context, the European Union Rule of Law Mission in Kosovo (EULEX) will continue to deploy throughout Kosovo in close coordination with the United Nations Interim Administration Mission in Kosovo (UNMIK) in order to take over all operational rule of law functions. As we have recalled several times, EULEX will operate in the context of resolution 1244 (1999)

under the overall authority of the United Nations and in a fully transparent manner.

We have just heard the Ministers for Foreign Affairs of Serbia and Kosovo react to the report of the Secretary-General. We would like to welcome, first of all, the constructive attitude of the Serbian authorities with respect to the reconfiguration of the international presence and the deployment of EULEX. By supporting the initiatives of the European Union to contribute to peace and stability in the region, they are participating in creating the conditions for a common European future for the Western Balkans. We have also taken note of Mr. Hyseni's positions, and I would like to tell him that we have the greatest respect for the views of the Kosovar authorities and that we will take their concerns into consideration with great seriousness.

What I take from his statement is a strong affirmation of the Kosovo Government's willingness to fully cooperate with the international community, and that must be commended. I would like to assure him that we want to maintain a close dialogue with Pristina in the context of the EULEX deployment throughout Kosovo.

In order to go beyond the divisions inherited from the past, we are proposing to the people of the Western Balkans a common future in the context of Europe. We must determine how we can help Serbia to place its future in a European context. The European Union has also expressed its willingness to support the economic and political development of Kosovo by offering it a clear European future.

Allow me therefore to conclude by emphasizing the following point. The European Union is fully conscious of its responsibilities when it comes to going beyond obstacles to a prosperous stable and successful Western Balkans. It is in this spirit that we have deployed EULEX; it is in this spirit that we hope to move ahead in the coming months on the road to a common future for Serbs and Kosovars within the European Union.

Ms. DiCarlo (United States of America): I would like to welcome Foreign Minister Jeremić and Foreign Minister Hyseni to the Council today and thank them for sharing their perspectives on the situation in Kosovo. I would also like to thank Special Representative of the Secretary-General Zannier for his

remarks today. The United States commends Mr. Zannier's service to the international community.

Fifty-two countries from around the world have now recognized Kosovo as a sovereign and independent State, and more are expected to do so in the coming months. In the nine months since its declaration of independence, the Republic of Kosovo has established the framework for a stable, multi-ethnic democracy. It is realizing the vision set forth in the comprehensive status proposal of United Nations Special Envoy and now-Nobel Peace Prize laureate Martti Ahtisaari.

Kosovo's independence is irreversible. The Secretary-General's report (S/2008/692) notes the changed reality in Kosovo and highlights the progress made — the adoption of a modern and progressive constitution that ensures the rights of all ethnic groups; the establishment of institutions of governance, including a Ministry for Foreign Affairs; steps to provide for Kosovo's basic security needs through the establishment of a civilian-controlled security force; and the issuance of Kosovo passports.

Real challenges remain, however, with regard to inter-ethnic relations, although the Secretary-General's report makes clear that inter-ethnic violence remains low. For that, my Government commends the stewardship of the Government of Kosovo. We encourage Kosovo's leaders to build on their previous efforts to develop multi-ethnic institutions and to fully implement the Ahtisaari Plan.

It is appropriate that the United Nations Interim Administration Mission in Kosovo (UNMIK) should adapt its role in response to changed realities in Kosovo. We welcome the Secretary-General's decision to accelerate the reconfiguration of UNMIK to allow for the deployment of the European Union Rule of Law Mission in Kosovo (EULEX) throughout Kosovo.

The Secretary-General's report calls for certain interim arrangements related to UNMIK cooperation with Belgrade pending full deployment of EULEX, the so-called six-point plan. Kosovo's leaders made clear in their 18 November statement that they reject the six points but that the Republic of Kosovo welcomes and will facilitate the deployment of EULEX. We have heard today that the Government of Serbia also welcomes the deployment of EULEX on the territory of Kosovo.

The United States underscores the importance of respecting Kosovo's sovereignty and territorial integrity. In this context, we welcome the commitment of the Secretary-General to consult and coordinate continuously with Kosovo authorities on the implementation of these interim arrangements.

The Secretary-General's decision will accelerate the transfer of UNMIK's residual rule of law responsibilities to EULEX throughout Kosovo. Of course, the Government of Kosovo has a major and complementary responsibility for exercising functions related to the rule of law in the country.

The deployment of EULEX under the mandate specified in the EU Joint Action of 4 February will ensure a unified customs regime and a single police chain of command. It will help address the problem of parallel institutions that currently hinders economic and political development. The United States will have an active role in EULEX, with United States police officers, judges and prosecutors working alongside their European counterparts throughout Kosovo. We urge all stakeholders, especially the Governments of Serbia and Kosovo, to ensure that EULEX is deployed without delay.

Minister Jeremić has raised several concerns. My Government is committed to ensuring that Kosovo Serbs enjoy full rights and privileges in Kosovo. We will continue to work alongside the Government of Kosovo and all the people of Kosovo to create a safe, secure and prosperous future for all ethnic groups in Kosovo. We are also committed to our relations with Serbia, and we share the aspirations of Minister Jeremić for Serbia's European future. We will work to promote that future for Serbia, Kosovo and all countries in the Western Balkans.

Mr. Mantovani (Italy): Allow me, Mr. President, to express our warmest welcome to the Foreign Minister of Serbia, His Excellency Vuk Jeremić, and to the Foreign Minister of Kosovo, His Excellency Skender Hyseni. I also welcome the Special Representative of the Secretary-General, Lamberto Zannier, to whom goes our deepest appreciation for his efforts and good offices with all parties and key stakeholders at this very delicate juncture.

In these four months we have been facing considerable challenges. A major reconfiguration has been carried out, in view of the downsizing of the United Nations Interim Administration Mission in

Kosovo (UNMIK), while the European Union will be taking on unprecedented responsibilities through its largest-ever external Security and Defence Policy mission. Through the European Union Rule of Law Mission in Kosovo (EULEX), the European Union will assist the Kosovo authorities in forming a multi-ethnic State. At the same time, it will contribute to guaranteeing European Union standards in the rule of law for Kosovars and will offer a clear signal of a European perspective for that young country.

The Secretary-General's report signals the growing difficulties that the Special Representative is facing in exercising his mandate after Kosovo's declaration of independence and the entry into force of its constitution. The time has come, therefore, for us to strengthen the European Union presence on the ground. Significantly, the Secretary-General has stated,

"I expect EULEX to move forward with its deployment in the coming period and to assume responsibilities in policing, justice and customs, under the overall authority of the United Nations, under a United Nations umbrella headed by my Special Representative, and in accordance with resolution 1244 (1999)." (*S/2008/692, para. 23*)

UNMIK and EULEX are already working well and closely together, so that the European Union mission may begin deployment, ensuring that the reconfiguration is carried out effectively and according to plan.

We are also particularly pleased to note that dialogue with Belgrade and consultations with Pristina have brought about a framework agreement on the six points outlined in the Secretary-General's report of 12 June (*S/2008/354, annex I*). Through this agreement, Special Representative Zannier has produced a blueprint for Serb-majority areas in key sectors, such as police, justice and customs, in which EULEX will concentrate its activities. We take note of Pristina's concerns over the six points, and at the same time we commend its commitment to favouring the prompt deployment of EULEX, with which it is willing to work. We are confident that Belgrade will also cooperate with EULEX.

We trust that work done in the run-up to this Security Council meeting will contribute to creating a constructive climate allowing EULEX to perform its duties throughout Kosovo, including in the north. EULEX must be perceived by all local populations as a

fundamental element for building a multi-ethnic society in which people can live and prosper according to standards of democracy and the rule of law in line with those of the European Union.

Italy fully supports the way forward outlined in the Secretary-General's report, particularly with regard to EULEX. It believes that carrying out what he has suggested will be to the benefit of stability in Serbia, Kosovo and the region as a whole.

Italy is one of the contributors to KFOR, as it will also be to EULEX. Italy favours an enhanced role for the Organization for Security and Cooperation in Europe. NATO must remain a key player in contributing to a safe and secure environment and in performing duties in connection with institution-building in Kosovo. Its present structure should therefore not be changed. Italy remains committed to contributing to the efforts of the international community in Kosovo, to regional democratic stability and to the European future of all countries of the Western Balkans, including Serbia. We look forward to a prompt entry into force of the Stabilization and Association Agreement with Belgrade.

Mr. Sangqu (South Africa): South Africa would like to join others in welcoming the Foreign Minister of Serbia, Mr. Jeremić, to the Council, as well as the Special Representative of the Secretary-General, Mr. Zannier. We also welcome Mr. Hyseni.

We would like to thank Mr. Zannier for his briefing and the Secretary-General for his report. We are particularly pleased to note the outcome of the dialogue between the Secretariat and Serbia on the reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK), allowing for an increased role for the European Union in Kosovo. However, we must emphasize that the reconfiguration should be carried out in a neutral manner, under the legal framework established by resolution 1244 (1999) and under the authority of UNMIK.

With regard to the substance of the report, South Africa reiterates its concern over the low number of returns of displaced persons, especially since the report indicates that that already slow process has become even slower. We are especially troubled by the Secretary-General's observation that the Ministry of Communities and Returns in Kosovo is not functioning in a transparent manner and is taking decisions that

may divert resources for returns. My delegation is of the opinion that the issue of returns is central to the promotion of reconciliation between communities.

South Africa also concurs with the Secretary-General that the future stability of the Balkans lies with the European Union. However, achieving that integration will be difficult if the parties do not engage. My delegation is concerned over the lack of direct dialogue between the parties. It is our opinion that the chapter of the Balkan wars will never be closed unless and until dialogue is established with the aim of achieving reconciliation among all parties.

On numerous occasions my delegation has stressed the need for the resolution of conflicts and disputes through dialogue and negotiation based on international law, the principles of the United Nations Charter and the resolutions of the Security Council. That approach is important in securing lasting and sustainable solutions. In that regard, South Africa has constantly expressed its concern over the manner in which Kosovo declared its independence from Serbia, especially at the fact that it was not achieved through a negotiated settlement. Consequently, we welcome the decision of the General Assembly to refer the question of Kosovo's unilateral declaration of independence to the International Court of Justice (General Assembly resolution 63/3). We are of the opinion that the judgement will assist in clarifying the situation.

Mr. Grauls (Belgium) (*spoke in French*): May I first of all welcome the Minister for Foreign Affairs of Serbia, Mr. Vuk Jeremić, and the Kosovar Minister for Foreign Affairs, Mr. Skender Hyseni. I also welcome the Special Representative of the Secretary-General, Mr. Lamberto Zannier.

Since our last debate on Kosovo, last July, the reality on the ground has continued to evolve, as can be seen from the report of the Secretary-General. The Kosovar authorities have taken tangible measures to consolidate the status of their new State. The constitution entered into force on 15 June; legislative activity continued in several important areas, and new institutions have been established.

These and other measures are described in the recent report of the Secretary-General (S/2008/692) and I shall not speak of them at length. The report also describes in detail the steps taken by the Secretary-General and his Special Representative to adapt the United Nations presence to the new reality. As my

delegation said at the last meeting on this subject (see S/PV.5944), this shows realism and a real sense of responsibility. We therefore believe that these decisions merit our full support.

Let me briefly stress three points that are of particular importance to my delegation. First, it is important that the process of the adaptation and reconfiguration of the international presence and its composition continue and even accelerate, in the light of the reality that the Secretary-General describes in his report. Such a reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK) should be accompanied by an accelerated deployment of the European Union Rule of Law Mission (EULEX), which, once it is operational, will carry out its rule of law functions throughout Kosovo in the interests of all citizens of Kosovo.

In Belgium's view, the deployment of the European Mission is of paramount importance, as evidenced by our contribution and active involvement in EULEX. Here, Belgium appreciates UNMIK's cooperation with EULEX, including on technical modalities, and we encourage UNMIK to further intensify its cooperation in the coming weeks, to ensure the full implementation of the EULEX mandate.

My second point relates to the responsibility of the two parties concerned, whose representatives have joined us at this table. The international organizations such as the United Nations and the European Union are not the only ones who have responsibilities to shoulder. I note with satisfaction that both parties have agreed to the deployment of EULEX throughout the territory and to the reconfiguration of the international presence, as described in the report of the Secretary-General.

We have heard that, on some points, the positions of Belgrade and Pristina still differ. But it is reassuring that on other issues — first and foremost, on cooperation with the international community — both parties have demonstrated a certain level of pragmatism and a sense of responsibility. Compromise is never easy, but it is sometimes necessary. Belgium encourages the two parties to continue to develop productive working relationships that can foster stability and regional cooperation.

Finally, Belgium hopes that today the Security Council will be in a position to take note of these positive developments.

Mr. Kafando (Burkina Faso) (*spoke in French*): I wish at the outset to welcome Their Excellencies the Ministers for Foreign Affairs of Serbia and of Kosovo, Mr. Jeremić and Mr. Hyseni, and to thank them for their important contributions to this debate. I also thank Mr. Zannier, the Special Representative of the Secretary-General, for all the information he has provided in the framework of the report of the Secretary-General (S/2008/692).

First of all, we note with satisfaction the relative calm that continues to prevail in Kosovo. We are pleased to note that since the declaration of independence no major crisis has occurred, despite the fact that a number of difficulties remain to be resolved.

We welcome the efforts of the Kosovo authorities, who continue to work to establish viable institutions, making it possible to exercise the prerogatives of a sovereign State, despite resistance here and there and a boycott of the new administration by a small minority of the population, in particular in the north. The resulting tension is minor, but it should not be minimized. That is why we appreciate the joint efforts of the police of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Kosovo Force (KFOR), which have made it possible to maintain calm thus far.

It is clear that Kosovo's declaration of independence, followed by the adoption of its constitution, has greatly changed the situation in the region. Hence, we endorse the Secretary-General's initiative to reconfigure the international civil presence on the basis of the provisions of resolution 1244 (1999). This should enable the European Union to play a larger role in Kosovo, through the European Union Rule of Law Mission (EULEX).

We are sure that EULEX can contribute a great deal to consolidating UNMIK's achievements, and we can only welcome the agreements entered into between UNMIK and the European Union Mission on facilitating EULEX's deployment in Kosovo.

We welcome the dialogue on the six key points that has begun in Belgrade and Pristina, involving all the parties and under the auspices of the Special Representative of the Secretary-General. We stress, however, the importance of taking account of the views expressed by the Kosovo authorities, including in their sovereign statement of 18 November (see S/2008/692, annex I).

In addition to support for the Kosovo authorities in the key areas of security, rule of law, protection of cultural and religious heritage, integration and the protection of minorities, it is important also to support the country's socio-economic development efforts: pillars which are vital to strengthen stability.

Since both parties aspire to integration into the great European family, the Republics of Kosovo and Serbia should overcome their differences and give top priority to what is essential: stability, security and prosperity in Kosovo, in Serbia and throughout the Balkans.

In conclusion, we express our thanks to UNMIK, KFOR and the Organization for Security and Cooperation in Europe for their joint efforts, which have made it possible to maintain stability in Kosovo. We thank the Secretary-General and his Special Representative, who is present in the Chamber, for their initiatives aimed at bringing the views of all the parties closer together. We urge them, together with the European Union, to continue on the path towards a lasting solution that is acceptable to all the parties.

Mr. Shcherbak (Russian Federation) (*spoke in Russian*): We are grateful to Mr. Lamberto Zannier, Special Representative of the Secretary-General for Kosovo, for his introduction of the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2008/692). The Russian authorities have carried out a thorough analysis of the report.

We welcome the participation in today's Security Council meeting of Mr. Vuk Jeremić, Minister for Foreign Affairs of the Republic of Serbia. We are grateful to him for the points he made, and we agree with them. Also, we listened carefully to the statement made by Mr. Hyseni.

The Russian position on the situation in and around the province is a consistent one, and it is unchanged. We continue to believe that there is a need for strict implementation of resolution 1244 (1999) and of the mandate for the Mission in Kosovo, which the Council approved through that resolution. We believe that Kosovo's unilateral declaration of independence and its recognition by some States representing a minority of the international community run counter to the norms of international law, first and foremost the Charter of the United Nations, the Helsinki Final Act and resolution 1244 (1999), as well as other instruments.

As the Secretary-General has often said, resolution 1244 (1999) remains in force in its entirety. By the terms of that resolution, the Special Representative of the Secretary-General and the Mission he heads in Kosovo must continue to discharge the functions entrusted to them, including assisting members of national minorities and ensuring their rights and security, and implementing the democratic standards established by the international community for the province. The main impetus for the activities of the international presence must be the implementation of those standards, because the situation in respect of those standards, as indicated in the report, remains unsatisfactory. We drew attention to this point earlier — in fact, before the illegal declaration of independence — and we would draw the Council's attention to it again now.

As time has shown, the unilateral declaration of independence of Kosovo has not helped to solve the key problems in the province. There is still a high level of corruption and crime; there has been no improvement in the economic or social spheres; there has been no easing of the inter-ethnic tension, now subject to a new factor — friction and disagreements among the Kosovars themselves. The Minister for Foreign Affairs of Serbia, Mr. Jeremić, spoke today of the many worrisome aspects of the situation in Kosovo.

If these negative tendencies are not reversed — and this is a point that the Russians have often warned about — the situation in Kosovo could become a source of serious regional destabilization. Naturally, Russia would like to see some radical change for the better in all of the aforementioned areas, because it would be in the interests of all countries of the region and the international community as a whole.

We welcome the agreement between Belgrade and the United Nations on the six technical points, and it is now a question of fully implementing them. All parties are required to do so. We do not exclude the possibility that if the Pristina authorities were not to work to honour those agreements — and we do, unfortunately, have some information to that effect — the international community would be obliged to bring effective pressure to bear on Pristina to implement those points. This should be given special attention by the international presence. The dialogue between Belgrade and the United Nations must continue on these matters, which are still pending.

We confirm our negative assessment of the action begun in June this year by the Secretary-General, without required authorization by the Security Council, to reconfigure the international presence in Kosovo. In such circumstances, the legalization of the so-called European Union Rule of Law Mission in Kosovo (EULEX) would be possible only with the consent of all parties, including Belgrade, to its deployment. Any move to circumvent the Security Council is a direct violation of the United Nations Charter.

We would stress that, under paragraphs 49 and 50 of the report of the Secretary-General, the international presence in the province must maintain a status-neutral approach and it must act within the context of resolution 1244 (1999) and in coordination with the United Nations.

The only way to remedy the situation is to return to the process of seeking a solution in the international judicial arena, in the interests of long-term stability in the Balkans and of shifting the numerous separatist tendencies throughout the world. Russia intends to continue insisting that the Security Council play a leading role in Kosovo, on the basis of compliance with the existing norms of international law, the United Nations Charter and decisions of the Security Council itself.

Mr. Jurica (Croatia): May I start by joining others in welcoming to this Chamber Mr. Vuk Jeremić, the Minister for Foreign Affairs of the Republic of Serbia, and Mr. Skender Hyseni, the Minister for Foreign Affairs of the Republic of Kosovo. I would also like to thank Mr. Lamberto Zannier, the Special Representative of the Secretary-General, for his briefing on the United Nations Interim Administration Mission in Kosovo (UNMIK).

I would like to begin my statement by underlining that we deem it a simple fact that the Republic of Kosovo has come into being as a newly established State, that this is important, and that it is an important contribution to world peace and to security and stability in South-East Europe.

Ensuring Kosovo's independence, sovereignty and territorial integrity is fundamental to achieving long-term and irreversible stability in that corner of the European continent and to seeing it fully integrated into a stable and prosperous European future.

In this regard, we applaud the European Union for continuing its efforts to advance the European perspective for all the countries of that region, based on their reform efforts and individual accomplishments. The European Union has proven to be a major force for positive change and a motor for much-needed reforms. We also expect that the European Union Rule of Law Mission in Kosovo (EULEX) will ensure and aid in further solidifying Kosovo's independence and sovereignty, as well as offer its assistance in the development of democracy and the rule of law as the most visible and symbolic proof of its engagement. We welcome the decision of the Secretary-General to proceed with the further reconfiguration of UNMIK and thus facilitate the deployment of EULEX throughout Kosovo.

Croatia signed an agreement with the European Union on 24 November 2008 enabling my country to participate in EULEX. By doing so, we have added our support for regional stability in South-East Europe and in this way complemented our long-standing offer of assistance, experience and know-how.

Finally, we reiterate our call on the authorities of both countries, Serbia and Kosovo, and to all citizens of Kosovo, regardless of their ethnicity, to continue to cooperate with the United Nations, NATO and the European Union in order to ensure continued peace, security and stability.

In conclusion, I would like to express our desire to see both countries — the Republic of Serbia and the Republic of Kosovo — invest substantive efforts into building good-neighbourly relations between the two nations.

Mr. Kleib (Indonesia): First of all, let me join other speakers in thanking Special Representative of the Secretary-General Zannier for his briefing on the latest situation in Kosovo and the Secretary-General for his report (S/2008/692). We would also like to welcome the presence of Mr. Vuk Jeremić, Minister for Foreign Affairs of the Republic of Serbia, and we thank him for his statement. We also welcome the presence of Mr. Hyseni.

We are deeply troubled by several inter-ethnic security incidents, albeit at a low level, during the rebuilding period. This chain of events must be halted by various preventive measures, including non-coercive measures. The Security Council collectively must transmit a clear message to all parties to continue

to exercise restraint with a view to maintaining stability and security in the region.

We understand that there are divergent paths being taken by Belgrade and Pristina with regard to the space in which the United Nations Interim Administration Mission in Kosovo (UNMIK) can operate. This has significant consequences within which the Special Representative can exercise his mandate, as stipulated in resolution 1244 (1999). This has led UNMIK to start a series of steps in the reconfiguration process. In this regard, we support the work of Special Representative Zannier and UNMIK and acknowledge the need to adjust UNMIK's structure and profile in response to the profoundly changed reality in Kosovo.

We also recognize that UNMIK has to cooperate with the European Union (EU) to facilitate the EU's preparation to undertake an enhanced operational role in Kosovo in the rule of law area. For this reason, we wish to stress the importance of establishing a clear link between the EU office with that of the Special Representative of the Secretary-General. It is our understanding that resolution 1244 (1999) still governs Kosovo, and thus any entity working in the region has to fall within that framework. These efforts will once again demonstrate that synergy and efforts between the United Nations and regional organizations can bear the fruits of success.

While taking into account the evolving situation on the ground that surrounds and affects the role of UNMIK, and in the interests of maintaining peace and stability, we urge all parties on the ground to continue to work and cooperate with UNMIK. Resolution 1244 (1999) continues to provide the necessary political and legal framework in which UNMIK must discharge its mandate, including the implementation of standards. UNMIK's operational reconfiguration, as we understand it, is status-neutral.

Indonesia supports the continuation of dialogue and negotiation between Belgrade and Pristina on issues of mutual concern. It is particularly crucial that this effort also encompass the wider issue of resolving the final status question. Without this consideration, it is difficult to foresee the possibility of normalizing the situation on the ground.

We continue to welcome the steadfast position taken by Serbia in committing itself to resolving the final status of Kosovo by political, diplomatic and

legal means. By the same token, we call on all parties in Kosovo to embrace a similar position. Such an approach will, we believe, guarantee that all Kosovars will ultimately enjoy the dividends of peace.

In this context, the Secretary-General should continue to engage all parties in the region so as to find a mutually acceptable solution in line with resolution 1244 (1999).

Finally, we would like to conclude by thanking the Secretary-General and his team for their efforts as well as all UNMIK personnel, under the leadership of the Special Representative, Mr. Zannier, for their dedication to the pursuit of peace and security in the region.

Mr. Hoang Chi Trung (Viet Nam): My delegation joins others in thanking the Secretary-General for his report (S/2008/692). We also thank Mr. Zannier, the Special Representative of the Secretary-General, for his informative briefing. My delegation welcomes the participation of His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of Serbia, and Mr. Skënder Hyseni.

Taking into account the prevailing circumstances and the substantially changed situation in Kosovo, my delegation welcomes the six-point plan reached between Serbia and the United Nations, after a series of dialogues and consultations on the reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK). We also welcome the Secretary-General's intention to conduct further consultations with the concerned parties with regard to carrying out the temporary arrangements put forth in his report.

It is our view that any actions with regard to UNMIK or a changing in the format of the international presence in Kosovo are possible only if they are in line with the framework of resolution 1244 (1999) and on the basis of a decision to be arrived at by the Security Council.

My delegation welcomes the Secretary-General's report and commends his effort to adapt UNMIK to a changed reality and to address the current and emerging operational requirements in Kosovo. We also understand the desire of the European Union (EU) to undertake an enhanced operational role in Kosovo in the area of rule of law.

We share the Secretary-General's view that the EU's Rule of Law Mission in Kosovo should be neutral

and impartial and that it should act strictly within the framework of the mandate entrusted to it by the United Nations and in conformity with resolution 1244 (1999).

At this critical juncture, we wish to call on Belgrade and the representatives of all of Kosovo's communities to actively engage in a good-faith dialogue with a view to ensuring the rights of all communities in Kosovo and facilitating the return of refugees and internally displaced persons.

We firmly believe that a durable and sustainable solution to the issue of Kosovo can and should be achieved on the basis of a decision to be worked out under the leadership of the Security Council, a decision that would fully comply with the norms of international law and be acceptable to both Belgrade and Pristina, thus contributing to peace, security and stability in the Balkan region and in Europe as a whole.

Mr. Li Kexin (China) (*spoke in Chinese*): First of all, China wishes to thank the Secretary-General for his report as well as the Special Representative, Mr. Zannier, for his briefing.

We listened carefully to the statement by His Excellency Mr. Vuk Jeremić, the Minister for Foreign Affairs of Serbia, as well as the statement by Mr. Skënder Hyseni.

China's position on the question of Kosovo has been consistent. We maintain that all parties concerned should properly resolve the question of Kosovo on the basis of the purposes and principals of the United Nations Charter and Security Council resolutions. We have always believed that a mutually acceptable plan, reached after sincere negotiations by both parties concerned, remains the best approach to the question of Kosovo. The parties concerned should continue to move in this direction.

We have noted that recently Serbia has held intensive consultations with the United Nations Interim Administration Mission in Kosovo (UNMIK) and the European Union (EU). Serbia has basically agreed with the Secretary-General's six-point plan. We hope that parties concerned will create conditions for a solution to this issue in a constructive spirit.

We agree that a reconfiguration of UNMIK is, as is pointed out by the Secretary-General in his report, of a technical nature. It does not involve the status of Kosovo, nor does it weaken the United Nations position of neutrality on the question of Kosovo.

China will continue to support efforts by UNMIK to implement its mandate under resolution 1244 (1999). Safeguarding the peace and stability of Kosovo and the entire Balkan region is in the interest of all parties concerned. We understand the EU's desire to undertake an enhanced role in this regard. We hope that European Union Rule of Law Mission in Kosovo, to be deployed by the EU, will perform its duties pursuant to resolution 1244 (1999) and under the overall authority of the United Nations.

Mr. de Vengoechea (Panama) (*spoke in Spanish*): First of all, let me thank the Minister for Foreign Affairs of Serbia, His Excellency Mr. Vuk Jeremić, and Mr. Skënder Hyseni for their statements.

We would also like to thank the Special Representative of the Secretary-General, Mr. Lamberto Zannier, for his briefing. We would like to commend the personnel of the United Nations Interim Administration Mission in Kosovo (UNMIK) for their excellent work. It is thanks to them that, after the adoption of resolution 1244 (1999), there has been relative peace and stability in the region.

As stated in the latest report of the Secretary-General (S/2008/692), current realities in Kosovo make it impossible for UNMIK to discharge most of its mandate. Panama therefore supports and continues to support the reconfiguration of the Mission. Panama is in favour of the deployment of the European Union Rule of Law Mission in Kosovo (EULEX) to take charge, under the legal authority of UNMIK, of United Nations responsibilities in Kosovo.

We are doing so in keeping with our position that regional organizations should play a priority role in resolving the problems in their own regions. The actions of the Secretary-General and the European Union (EU) are particularly appropriate, given that the Council cannot achieve a consensus on the matter and that resolution 1244 (1999) has no set time frame.

Nevertheless, since this is an undesired situation, although the best we can achieve, the international community must do everything in its power to ensure that Serbia is part of the solution to the Kosovo issue. That is why we commend the Secretary-General having instructed his Special Representative to engage in negotiations with Belgrade on matters of such importance to Serbians and Kosovars in order to have the cooperation of both with regard to the

reconfiguration of UNMIK and the deployment of EULEX.

We are gratified by the outcome of the discussions between the United Nations and Belgrade, since Belgrade's endorsement is indispensable to the success of any international initiative in Kosovo. That is why we commend the presidential statement that has recently been circulated concerning the report of the Secretary-General.

In conclusion, we would like to reiterate that we have no doubt that the future of Serbia and Kosovo lie in European integration. That is why we urge leaders in Serbia and Kosovo to leave behind the nationalist rhetoric of the past that has caused so much suffering to their peoples. Let them, instead, turn their eyes to a European future, where both peoples can resolve their differences, where national borders and belonging to one group or another will be less important and where a spirit of cooperation and social and economic development will prevail.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): I would like to join colleagues in welcoming Mr. Jeremić, the Minister for Foreign Affairs of Serbia, and Mr. Hyseni. I wish to thank them both for being here with us today. May I also thank Mr. Lamberto Zannier, Special Representative of the Secretary-General, for his briefing on recent developments in Kosovo.

It is our understanding that the situation on the ground in Kosovo has changed significantly, so we find ourselves faced with a new situation, to which the United Nations Interim Administration Mission in Kosovo (UNMIK) has to adapt. Thus there are several challenges for UNMIK to take up. It is an interim administration in the context of resolution 1244 (1999), following the declaration of independence on 27 February 2008 and the Kosovo Serbs' rejection of that.

We understand the Secretary-General's decision about operational factors affecting the civilian international presence in Kosovo, and we appreciate the effort to reconfigure UNMIK and to cooperate with the European Union in the rule of law. That is, of course, in accordance with resolution 1244 (1999).

We are in favour of the international presence in terms of reconfiguration and general structure. My country reconfirms once again that resolution 1244

(1999) is the legal framework for the United Nations effort in Kosovo, and it must continue to discharge that mandate until the Security Council decides otherwise. Therefore, any entity in the region must be part of that framework.

We have taken due note of the talks that were organized between the representatives of the Secretary-General and the European Union and the Rule of Law Unit at the technical level. We support the six common points set out by the Secretary-General in his letter of last 12 June (S/2008/354, annex I), stressing police, courts, customs, transportation and infrastructure, boundaries, and Serbian patrimony. We confirm the importance of the Mission's having dialogue with all parties on all operational matters.

We have some concerns about the gaps and differences between Albanian Kosovars and Serbian Kosovars that could affect stability in Kosovo in the long run. That could create problems, so we call on all parties to make every effort to preserve the proper channels for constructive communication and dialogue. We also call for the return of refugees, protection of minorities and protection of the cultural and religious heritage so that one can find a common area in which to preserve peace and stability throughout the Balkans.

We have noted the points made by the Secretary-General, and we support his recommendations for reconfiguration of UNMIK, which is very important. Steps should be taken swiftly to deal with the prevailing situation on the ground. That must be done in complete transparency, taking account of the United Nations position and making sure that there is a neutral status approach.

Ms. Pierce (United Kingdom): I thank the Secretary-General for the report. I also thank the Special Representative of the Secretary-General for his presence here today and for all the work that he and his team have done to bring about normalization in Kosovo. I would be grateful if he would convey our thanks to the members of his team. I also wish to join others in welcoming the Serbian Foreign Minister, Mr. Jeremić, back to the Chamber, and Foreign Minister Hyseni of Kosovo, who is here in his official capacity. It is very good also to see him back in the Chamber.

I would like to say at the outset that our view is that Kosovo independence is irreversible. It is also indivisible. I think one of the important things about

the proposals set out in the Secretary-General's report today is that they show that the risk of partition is receding. I think that is something that all members of the Council would wish to join me in applauding.

I deliberately asked to speak last — or near the last, saving yourself, Mr. President — because I wanted to hear what other Council members had to say. I am very pleased to hear such clear support from Council members for the Special Representative's intentions, for the reconfiguration that the Secretary-General has set out, and also the clear support for full deployment of the European Union Rule of Law Mission (EULEX) throughout Kosovo. That is very welcome news to those of us in the European Union who have Kosovo and Serbia as our neighbours. As a number of speakers have noted today, we hope to adopt the presidential statement later today.

In June the Secretary-General decided that, given the changed situation on the ground in Kosovo, it was right to reconfigure the international civilian presences. I think events have borne out that that decision was the right one. We are very pleased that the reconfiguration is now properly under way. We note that the Special Representative says that when EULEX fully deploys, UNMIK will be able to review its tasks. That is very welcome. The Rule of Law Mission is set to reach initial operating capacity in early December. With the Secretary-General's report envisaging an acceleration of reconfiguration in the coming period, it is very important, as a number of colleagues have made clear today, that the European Union and the United Nations continue to work closely together. EULEX will implement its mandate as set out in the relevant European Union Joint Action, while operating under the overall authority of the United Nations.

I wanted to say two particular things about the report. The first is factual and for the record. I just wanted to note that there is a factual error in paragraph 21 of the report. It refers to the executive authority of the Special Representative of the Secretary-General. That does not, in fact, derive from resolution 1244 (1999). It derives from the later, constitutional framework, which was not endorsed by the Security Council, and there is no provision in the new Kosovo constitution for the constitutional framework.

The other thing I wanted to say is that in paragraph 27 of the report the Secretary-General makes clear that the dialogue and consultations set out in the

report have been conducted with Belgrade and Pristina without prejudice to their positions on the status issue and in the spirit of the United Nations Charter. I think we should all bear that in mind as we move forward.

The United Nations is engaged with both Pristina and Belgrade on the so-called six points, the transitional arrangements in areas important for Kosovo's Serbian community. We also know that there have been differing views on those transitional arrangements and concerns, particularly in Pristina, as to their implications. We are very pleased to see that the Secretary-General's report acknowledges those real concerns and provides reassurance that the implementation of transitional arrangements will be on the basis of continuous consultation and coordination and that commitment to consultation and coordination constitutes a strong assurance to Pristina. At the same time, the commitment to the transitional arrangement also provides a strong assurance to Kosovo/Serb and other minority communities.

Mr. Jeremić gave us his interpretation of the report of the Special Representative of the Secretary-General and of the European Union Rule of Law Mission (EULEX) deployment. Mr. Hyseni gave us his. I want to be clear in the light of some views expressed in the Council: it is from the European Union (EU) that EULEX derives its mandate. It will implement its mandate as set out in the relevant European Union joint actions while operating under the overall authority of the United Nations. EULEX also constitutes the EU's largest ever civilian mission. Its work will be to the benefit to all of Kosovo's people and those United Nations Members who sit on the Peacebuilding Commission will note the value of integrating missions between justice and police sectors. And that is something that EULEX will do. So its work will be important in terms of lessons learned for the wider United Nations community.

EULEX will support multi-ethnicity, and we welcome Kosovo's cooperation with EULEX deployment throughout the whole of Kosovo. We also welcome the Government's assurances that it will continue to take into account the concerns of all of Kosovo's communities. Obviously, that is extremely important.

We welcome what Foreign Minister Hyseni said about cooperation with Serbia, and we welcome what Foreign Minister Jeremić said about welcoming

EULEX's deployment throughout Kosovo. As EULEX deployment continues, we look forward to that Mission having a constructive relationship with all the relevant actors, including Belgrade and Pristina, on the ground in Kosovo. We hope that Serbia will be able to join us in explaining the strong benefits of EULEX to Kosovo Serbs. Embedding the rule of law, ensuring an effective and multi-ethnic justice and police system across Kosovo, making sure corruption and organized crime are tackled: these should be measures on which we can all unite. And, with its increased outreach among Kosovo's communities, I am confident EULEX can be a huge success, one that will help the Republic of Kosovo and the region on the path towards the EU.

I had wanted only to look forward today in the spirit of the Secretary-General's report and the cooperation that we have had on this issue within the Coordination and Drafting Group. But I need to respond on the record to certain assertions that we have heard from Mr. Jeremić today. I am not going to rehearse how we got to where we are on Kosovo's sovereignty and independence; suffice it to say that it did not come about through light and transient causes. I am not going to go into the detail of what resolution 1244 (1999) does or does not say; we have debated that many times in this Chamber. If anyone wants to know the United Kingdom's positions on these issues, they can be found on the website of my Mission. But I would like to say that we do not share Mr. Jeremić's account of how Kosovo's independence came about. The Security Council did not take a view on Kosovo's status. It had no vote and it issued no statement. The best one could conclude is that it was neutral on the issue, though it is worth noting that a majority of its members have recognized Kosovo. So I do not think there can be any question of defiance of the Council.

I would also like to talk briefly about minority communities in Kosovo. All the minority communities except the Kosovo Serb community have supported where we are on status. I think that it is incumbent on all of us who worry about minority communities in Kosovo to uphold the rule of law in the north of Kosovo. We must do everything we can to ensure that the deplorable attacks that we witnessed on international officials of the UNMIK police and on the Kosovo Force in March of this year are never repeated and that the perpetrators are brought to justice.

The other point I would like to make concerns Mr. Jeremić's reference to General Assembly

resolution 63/3, requesting an advisory opinion from the International Court of Justice. It is not the case that the General Assembly approved Serbia's position on Kosovo's status in adopting the draft resolution submitted by Serbia requesting the advisory opinion. The General Assembly merely agreed that the International Court of Justice should be asked to opine on the question which Serbia had asked and this does not prejudice the answer to that question, on which the United Kingdom's views are well known and were set out in the document that the United Kingdom circulated at the time (A/63/461).

I would like to conclude on a positive note, on which both the Republic of Serbia and the Republic of Kosovo agree. The countries of the Western Balkans all belong in the European Union and we, the United Kingdom, and all our partners in the EU and NATO, are committed to helping them join on the basis of conditions that the EU has laid down. But those who cite EU treaties and aspire to EU futures must follow EU values. And these values include the strongest possible commitment to building peaceful, prosperous, tolerant and multi-ethnic societies.

The President (*spoke in Spanish*): Mr. Hyseni has asked for the floor to make a further statement, and I call on him now.

Mr. Hyseni: I would like to give a very short reaction to express my deep satisfaction with the very clear support the Council gives to the deployment of the European Union Rule of Law Mission (EULEX) throughout Kosovo. I wish also to take this opportunity to extend our thanks to Member States for their contributions to the EULEX deployment and I want once again to ensure all the nations that will participate in EULEX that it will enjoy the full support and cooperation of the institutions and people of Kosovo.

In conclusion, I should like, once again, to emphasize clearly that it is critical that EULEX deploy throughout Kosovo and that all of Kosovo's citizens benefit from the EULEX presence in our country. We appreciate the mandate assigned to EULEX and we have definitely enshrined the EULEX presence in our constitution and all of our post-independence documents, including in more than 40 pieces of legislation passed in accordance with the Comprehensive Status Settlement Proposal of Nobel Peace Prize Laureate Martti Ahtisaari.

The President (*spoke in Spanish*): The Minister for Foreign Affairs of Serbia has asked for the floor to make a further statement, and I call on him now.

Mr. Jeremić (Serbia): I want to thank all the participants in today's discussion for their valuable contributions to our work. I think we are now getting close to a point where we can unite behind the Secretary-General and the report that he produced. I think it would be very important for our work today to conclude with the entire Council standing behind the Secretary-General's report with the strongest possible language. I invite the Council to support the report of the Secretary-General in the strongest possible language. I would like to see this report being implemented. The stronger the language used by the Council in endorsing and supporting the work of the Secretary-General that involves the reconfiguration proposal as well as the deployment of the European Union Law and Order Mission, in conformity with resolution 1244 (1999) and the status neutrality that is laid out in the report of the Secretary-General — the stronger this language is, the better the chance we will have to implement this important work that we need to do together.

Many have said during this debate that 52 nations have recognized Kosovo, but no one mentioned the number 140, which is the number of countries that have not recognized the unilateral, illegal and illegitimate declaration of independence of our southern province.

I think it is very important that many speakers mentioned the General Assembly and its work to engage the institution of indisputable legitimacy — the International Court of Justice. I regret the fact that the representatives of Kosovo Albanians regret the use of international law and institutions of international law. They have clearly expressed their regret that Serbia has decided to pursue that peaceful and legal path.

I must take note of the fact that in recent months many people have started listing the great democratic achievements of the so-called Republic of Kosovo, noting that it has printed passports and passed a certain number of laws. But this is the third time that I have talked in the Council about a church that was burned and paved over. I will keep repeating this: I do not think that a multi-ethnic, peaceful and democratic society can afford to burn and pave over churches. The number of illegally seized properties has not decreased

at all. Solving such problems, I think, is what really makes a society democratic, peaceful and multi-ethnic.

By the way, I would say that Mr. Zannier is the only totally and technically impartial person. I wish to thank him for his great effort to make this whole process possible. He has come from Pristina and his observation — correct me if I am wrong — is that Kosovo today is a deeply segregated society. In my opinion, "deeply segregated society" is the total opposite of "multi-ethnic". I would therefore like for us to reflect on the observation of Mr. Zannier, who has just come from Kosovo.

Having said all that, I really hope that this is going to be a very important step in our common effort, that we are going to move the process forward and that the reconfiguration is going to go forward according to the recommendation of the Secretary-General. It is important that we stay loyal to the decisions made in this Chamber and that we stand behind the Secretary-General's efforts. Serbia is going to continue to be a constructive participant in that. Serbia has demonstrated its constructiveness in that process. We intend to be a constructive participant in the future.

I would like to close by saying that it is indeed the European future of the Western Balkans that all countries Members of the United Nations in the Western Balkans should look forward to.

The President (*spoke in Spanish*): A delegation has asked me to suspend the meeting for 10 minutes. Unless I hear any objection, I shall therefore suspend the meeting for 10 minutes.

The meeting was suspended at 5.10 p.m. and resumed at 5.20 p.m.

The President (*spoke in Spanish*): Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

"The Security Council welcomes the Secretary-General's report on the United Nations Interim Administration Mission in Kosovo (S/2008/692) of 24 November 2008 and, taking into account the positions of Belgrade and Pristina on the report which were reflected in their respective statements, welcomes their intentions to cooperate with the international community.

"The Security Council welcomes the cooperation between the United Nations and other international actors within the framework of its resolution 1244 (1999), and also welcomes the continuing efforts of the European Union to advance the European perspective of the whole of the western Balkans, thereby making a decisive contribution to regional stability and prosperity."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2008/44.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.25 p.m.



Security Council

Sixty-third year

Provisional

6026th meeting

Tuesday, 2 December 2008, 11.25 a.m.
New York

<i>President:</i>	Mr. Jurica	(Croatia)
<i>Members:</i>	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Mr. Zhang Yesui
	Costa Rica	Mr. Urbina
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Suescum
	Russian Federation	Mr. Churkin
	South Africa	Ms. Qwabe
	United Kingdom of Great Britain and Northern Ireland	Ms. Velamati
	United States of America	Mr. Wolff
	Viet Nam	Mr. Hoang Chi Trung

Agenda

The situation in Somalia

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.



The meeting was called to order at 11.25 a.m.

Expression of thanks to the retiring President

The President: As this is the first meeting of the Security Council for the month of December 2008, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Jorge Urbina, Permanent Representative of Costa Rica to the United Nations, for his service as President of the Security Council for the month of November 2008. I am sure I speak for all members of the Security Council in expressing deep appreciation to Ambassador Urbina to the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

The President: I should like to inform the Council that I have received letters from the representatives of Australia, Canada, Denmark, Greece, Japan, Malaysia, the Netherlands, Norway, Portugal, the Republic of Korea, Singapore, Somalia, Spain and Ukraine, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Duale (Somalia) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2008/748, which contains the text of a draft resolution submitted by Australia, Belgium, Canada, Croatia, Denmark, France, Greece, Italy,

Japan, Malaysia, the Netherlands, Norway, Portugal, the Republic of Korea, Singapore, Spain, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Members of the Council also have before them the report of the Secretary-General on the situation in Somalia, document S/2008/709.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Belgium, Burkina Faso, China, Costa Rica, Croatia, France, Indonesia, Italy, Libyan Arab Jamahiriya, Panama, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1846 (2008).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Zhang Yesui (China) (*spoke in Chinese*): China voted in favour of the resolution just adopted on piracy off the Somali coast. I wish to take this opportunity to make a few points.

Piracy off the coast of Somalia is running rampant and poses a direct threat to international humanitarian assistance and the security of international navigation. It also poses a potential threat to the world economy. In the long run, it will harm Somalia and its people as well.

The international community needs to work together to solve the problem. The Security Council bears primary responsibility for the maintenance of international peace and security and is therefore duty-bound to play a leading role on this issue.

That is why this year the Security Council adopted resolutions 1816 (2008) and 1838 (2008) in close succession, authorizing national warships to enter the waters off the Somali coast to fight piracy. The

resolution just adopted lays the foundation for the establishment of a platform for international judicial cooperation in the fight against piracy.

Combating piracy is a new challenge facing the international community. As it has an impact on the fundamental interests of Member States, it is obvious that the United Nations should play a leadership and coordinating role.

As a victim of piracy off the coast of Somalia, China vigorously supports and is ready to participate in the international anti-piracy endeavours coordinated by the United Nations. Nevertheless, China believes that the piracy issue is only a symptom of Somalia's deep-seated political and social crisis. The issue cannot be fundamentally resolved if the domestic crisis in Somalia is not effectively addressed. While focusing on piracy, the international community should not lose sight of the root causes of the worsening piracy issue. Only by starting the Somali reconciliation process will it be possible to resolve the disputes among various factions in the country, encourage the Somali people to form a national consensus, promote economic development and ensure that the people are content and live in happiness. Otherwise, the security situation in Somalia will not stabilize and there will not be a lasting solution to the Somali issue, which has plagued the international community for nearly 20 years.

The worsening humanitarian crisis in Somalia has already evolved into one of the most serious humanitarian crises in Africa.

China appreciates the important role played by the African Union Mission in Somalia in addressing the security situation in Somalia and calls on the international community to provide real support to the Mission. China has provided its assistance to the African Union for its peacekeeping operations in Somalia and will continue to give positive consideration to similar requests for assistance in the future.

China maintains that the United Nations should be more actively engaged in the Somali issue. We call upon the Security Council to heed the strong appeal of the Somali Government and the African Union and support the early deployment of United Nations peacekeeping troops in Somalia to take over the African Union peacekeeping mission there. We also urge the various factions in Somalia to create favourable political conditions in the country for the early deployment of the United Nations peacekeeping forces.

We are convinced that the Somali people long for peace and that the various factions in the country will one day overcome their political disputes, conform to the aspirations of the people and reach political arrangements that will put Somalia back on the track towards peace and stabilization. The international community should also be fully confident in this and work with the Somali people towards this goal.

Mr. Natalegawa (Indonesia): My delegation voted in favour of resolution 1846 (2008) on the basis of a number of considerations, and we would like to put them on record.

The security situation off the coast of Somalia has deteriorated markedly due to acts of piracy and armed robbery at sea. These acts have become more blatant and impose greater costs on the international community, in particular the transportation of humanitarian assistance into Somalia and the security of international navigation in the area. They have also had an adverse impact on the social and economic lives of the affected countries. We condemn and deplore all acts of piracy and armed robbery against vessels in the waters off the coast of Somalia. We would also like to extend our strong support to the flag States and others who have already fallen prey to such illegal acts.

We fully support concerted measures to assist Somalia in fighting such acts. Let there be no doubt of the importance of enhancing cooperation and, not least, coordination among States in curbing such acts. Resolution 1816 (2008) and subsequent resolutions, including the one that we have just adopted, provides a strong legal foundation for States to meet this objective.

We remain convinced, however, that the root cause of the piracy threat is the situation in Somalia itself, which is due to political conflict, lawlessness and lack of capacity for law enforcement. While the international community needs to address the scourge of piracy off the coast of Somalia, it is ultimately on the ground that the international community needs to translate its words into deeds. This includes greater support for the African Union Mission to Somalia (AMISOM) and the political process in the short term, and the mustering of international military resources in the medium to long term.

Finally, our support for the resolution is based on the fact that it seeks to help Somalia, is focused on Somalia and spells out clearly that its provisions shall not affect the rights, obligations or responsibilities of Member States under international law, including under

the 1982 United Nations Convention on the Law of the Sea and shall not be considered as establishing customary international law.

Mr. Churkin (Russian Federation) (*spoke in Russian*): The Russian Federation is extremely concerned about the increasing number of incidents of piracy and robbery at sea in the area of Somalia and the seas around it. We cannot ignore the fact that the pirates are making use of increasingly sophisticated methods in their criminal activity and that their goals are ever-expanding.

Given the extent of these crimes against ships in the Gulf of Aden, the Russian navy has become actively involved in combating piracy in the region. At the present time, the Russian ship *Neustrashimy* is right now engaged in operational observation off the coast of Somalia in collaboration with naval vessels of other States cooperating with the Government of Somalia. We have already rebuffed several pirate attacks. We are studying the possibility of sending additional forces of the Russian navy to the region.

The resolution adopted today contains a number of new and important elements. In particular, measures to combat pirates off the coast of Somalia are now clearly included in the context of joint efforts to re-establish peace and law and order in that country. The resolution welcomes the initiatives of States, includes the Russian Federation, and of international organizations to curb this scourge. An important role must be played by the measures outlined in the resolution to strengthen the ability of marine shippers, in cooperation with the International Maritime Organization, to use their own potential to ward off pirate attacks.

We are convinced that, for an effective implementation of the anti-piracy measures approved by the Security Council, there is a need for agreed and properly coordinated action by States. Here, the resolution also represents a step forward, since it is aimed at the study of ways to improve the coordinating role of the United Nations. Enhanced attention must also be paid to such complex issues as those connected with the detention of individuals involved in piracy and robbery on the seas and the appropriate jurisdiction for bringing such individuals to justice. We believe that this will promote the implementation by States of the mechanisms provided for in the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 1988, as provided for by the resolution.

Once again, I would like to note that, in discussing the problem of piracy off the shores of Somalia, we all understand, of course, that a long-term solution to this problem will only be found through a comprehensive political settlement in this country, with the cooperation of the United Nations and the African Union.

Mr. Mantovani (Italy): I would like to congratulate you, Sir, on your assumption of the presidency of the Security Council and to express our warmest appreciation to Ambassador Urbina of Costa Rica and his team for the excellent work done during their presidency last month.

I would like to join other members in welcoming today's adoption of resolution 1846 (2008), which renews and improves resolution 1816 (2008) and makes our collective fight against piracy off the coast of Somalia even stronger and more coordinated and effective.

The resolution provides the necessary legal basis for the adoption of Operation Atalanta by the European Union, which is expected to begin shortly. It also provides clear indications and guidelines for Member States and organizations already operating in the area with their units, such as NATO.

As in past occasions, I wish to underline once again that piracy off the coast of Somalia is a consequence of the political, security and humanitarian crisis that has been taking place in Somalia for many years. In order to eliminate piracy, we have a responsibility to bring peace and stability to that country. We now see an opportunity for that. We hope that the meeting to be held in mid-December with the participation of several ministers can provide an opportunity to shift gears with regard to Somalia and to support current efforts at peace resolutely and effectively. We owe that to the civilian population of Somalia, which has suffered so much during more than 15 years of war and which is looking to the United Nations with great hope and confidence.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 11:40 a.m.



Security Council

Sixty-third year

Provisional

6027th meeting

Tuesday, 2 December 2008, 11.45 a.m.
New York

<i>President:</i>	Mr. Jurica	(Croatia)
<i>Members:</i>	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Ms. He Fen
	Costa Rica	Mr. Artiñano
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Suescum
	Russian Federation	Mr. Dolgov
	South Africa	Ms. Qwabe
	United Kingdom of Great Britain and Northern Ireland . . .	Mr. Williams
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

The situation in the Central African Republic

Report of the Secretary-General on the situation in the Central African Republic and the activities of the United Nations Peacebuilding Support Office in that country (S/2008/733)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.



The meeting was called to order at 11.45 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Central African Republic

Report of the Secretary-General on the situation in the Central African Republic and the activities of the United Nations Peacebuilding Support Office in that country (S/2008/733)

The President: I should like to inform the Council that I have received a letter from the representative of the Central African Republic, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Poukré-Kono (Central African Republic) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. François Lonseny Fall, Special Representative of the Secretary-General and head of the United Nations Peacebuilding Support Office in the Central African Republic.

It is so decided.

I invite Mr. Fall to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Jan Grauls, Chair of the Central African Republic configuration of the Peacebuilding Commission and Permanent Representative of Belgium.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the situation in the Central African Republic and the activities of the United Nations Peacebuilding Support Office in that country, document S/2008/733.

At this meeting, the Security Council will hear briefings by Mr. François Lonseny Fall, Special Representative of the Secretary-General and head of the United Nations Peacebuilding Support Office in the Central African Republic, and His Excellency Mr. Jan Grauls, Chair of the Central African Republic configuration of the Peacebuilding Commission and Permanent Representative of Belgium. I now give the floor to Mr. Fall.

Mr. Fall (spoke in French): Allow me, first of all, to congratulate you, Sir, on your assumption of the presidency of the Council and to express my great pleasure at being in the Chamber once again, to introduce the latest report (S/2008/733) of the Secretary-General the situation in the Central African Republic. My statement will focus on major developments since July 2008 in the political, socio-economic, humanitarian, security and human rights areas. I shall also provide an overview of peacebuilding issues and the activities of the United Nations country team during the past six months.

Following a great deal of procrastination among the various parties, we are at last in a position today to give the Council good news: the upcoming holding of the inclusive political dialogue in the Central African Republic. The road to that event has been long and arduous; however, events accelerated significantly in recent weeks. The work of the political dialogue will begin on 5 December and will last for two weeks, through 20 December. That result has been made possible through the concerted efforts of the international community, which helped to remove the final obstacles and to get the parties concerned to agree to the holding of that long-awaited forum.

Taking advantage of the general amnesty law recently promulgated by President Bozizé, all key players in the political life of the Central African Republic are expected in Bangui to participate in the political dialogue, which the people of the country

want to be an inclusive process. In that regard, arrangements have been made, with the assistance of the regional force, the Mission de consolidation de la paix en Centrafrique, to provide security for all participants. At the moment, we expect about 40 participants from abroad, including former President Ange Félix Patassé, who has lived in exile in Lomé since the coup d'état of 15 March 2003; Mr. Jean-Jacques Demafouth, former Minister for Defence and Chairman of the Armée populaire pour la restauration de la Démocratie, who has lived in exile since 2002; as well as others, such as Messrs. Mekassoua, N'Goupandé, Miskine and Massi.

I should like to pay special tribute here to the tireless efforts of President El Hadj Omar Bongo Ondimba, whose personal involvement has been decisive in achieving these results. I should also like to acknowledge the perseverance of Secretary-General Ban Ki-moon, who has continuously encouraged the highest officials of the Central African Republic to take the decisive step towards political dialogue. I should also like in particular to note the efforts of President Abdou Diouf, Secretary-General of the International Organization of la Francophonie, which provided assistance in carrying out our mandate to facilitate the process. I would also like to welcome the multifaceted support and guidance of the Libyan Arab Jamahiriya and the Community of Sahelo-Saharan States.

Today we are on the eve of a political forum that will consider the recommendations of the Dialogue Preparatory Committee dealing with pivotal questions posing the greatest challenges facing the Central African Republic, namely, political and governance issues, armed groups and the security situation and socio-economic development.

As I said at the beginning of my statement, the period under consideration was marked above all by sustained efforts to finalize preparations for the holding of the inclusive political dialogue. The major impediment pertained to the issue of the general amnesty law promulgated by the head of State of the Central African Republic on 13 October 2008. This law provided amnesty for all offences committed by various individuals in the Central African Republic, except for crimes falling within the jurisdiction of the International Criminal Court. However, the Armée populaire pour la restauration de la Démocratie and the Union des forces vives de la nation (UFVN), which include the great majority of the opposition parties,

have expressed serious reservations regarding this law, which they consider to be unrealistic, limiting and not in keeping with what had been recommended by the Preparatory Committee and the Comprehensive Peace Agreement. In recent months, therefore, attention was focused on how to break the deadlock caused by the general amnesty law.

In that regard, the Follow-up Committee to the Comprehensive Peace Agreement of 21 June has already held three meetings in Libreville to assess progress made in the implementation of the provisions of the Agreement and to consider disputed points resulting from differing interpretations of the Peace Agreement.

During the third meeting, held in Libreville on 19 November 2008, a framework document was adopted to promote the process of the disarmament, demobilization and reintegration (DDR) of elements of political-military groups. I should like to emphasize the commitment of France, as demonstrated by its financial contribution to the DDR process and to invite the international community to provide financial support for this operation.

On 26 October, the Government of the Central African Republic announced the release of 12 prisoners of the rebel groups ARPD, the Mouvement de libération du peuple centrafricain (MLPC) and the Union des forces démocratiques pour le rassemblement (UFDR), in accordance with the Comprehensive Peace Agreement of 21 June. The release of prisoners was a significant gesture, demonstrating the commitment of the Central African Republic Government to the implementation of the Libreville Agreement.

To avoid the disputes which arose repeatedly whenever basic texts were adopted, we offered facilitation between the Government and the opposition in order to ease the remaining difficulties. These contacts made it possible to reach consensus on the composition of the Dialogue Preparatory Committee and to receive proposals for the names of four individuals who could chair the political dialogue. The final choice was the former President of Burundi, Mr. Pierre Buyoya, who will assume the chairmanship of the inclusive political dialogue. President Buyoya is expected in Bangui this evening or tomorrow. At this stage, we can say that we are beginning the final phase before the actual holding of the inclusive political dialogue.

It is significant that the uncertainty in the political process over the past six months has had an overall negative impact on the security situation, in particular in the north-west provinces of the country. Several clashes have been reported between APRD elements and Government forces in several locations. This has led both parties to accuse each other of ceasefire violations. Aside from several isolated clashes in a few zones in north-western Vakaga, involving dissident groups of the UFDR, and the recent ambush of dissident rebels of Miskine's Front démocratique du peuple centrafricain (FDPC) on 11 November, which cost the lives of about a dozen Government soldiers, the ceasefire between Government forces and the UFDR and FDPC has, in general, been respected.

In the socio-economic sphere, the country is continuing to face multifaceted challenges. Social tension linked to salary arrears remains a source of major concern despite recent efforts by the Government to pay off those arrears. Trade union leaders have issued an ultimatum that these would be strikes at the beginning of next year if the remaining four months of arrears are not paid by then.

In the economic sector, relative progress has been noted in the mining sector with the withdrawal, by the Ministry of Mines, of the permits of several companies which appear not to have honoured their contractual obligations. Nevertheless, a great deal still remains to be done to clean up this sector and ensure transparency in the exploitation of natural resources.

In the human rights field, the situation over the past six months continues to be of concern. Several cases of summary or extrajudicial executions have been noted in the conflict zones. Despite the signing of the Libreville Agreement, APRD elements in the field continue to carry out atrocities in areas under their control, including extrajudicial executions, pillaging, racketeering and forced enlistment of young villagers into self-defence groups or as informants.

Clashes between the APRD and the Forces armées centrafricaines (FACA) have resulted in massive displacement of people and have exacerbated insecurity. Reports of alleged atrocities perpetrated by highway bandits known as zaraguinas, poachers and dissident rebel groups, as well as reported cases of extrajudicial executions, continue to be a source of concern.

We also wish to point out that the national defence and security forces are also accused of human rights abuses. Within the framework of its mandate, the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) recently issued its first report on human rights in the Central African Republic.

On the operational level, the country team continues to make commendable efforts in the humanitarian sectors, in combating HIV/AIDS and in mobilizing resources to build up operational capacity given the country's colossal needs.

In the period under review, the United Nations has continued to work closely with the authorities of the Central African Republic to establish structures and mechanisms within the framework of the Peacebuilding Fund to consider the immediate needs of the Central African Republic in priority areas. These include the security sector reform, good governance and the rule of law, in addition to the revitalization of communities affected by the conflict.

With \$10 million allocated by the Fund, the National Steering Committee has approved 11 of the 26 projects submitted to it by the technical committee established to this end. In the meantime, the Peacebuilding Commission is continuing to work on a strategic framework designed to serve as a basis for its commitment to the Central African Republic. To this end, it held its second meeting of the Central African Republic configuration on 8 October 2008 in New York and undertook its second visit to the Central African Republic, from 30 October to 6 November 2008. During that visit, it organized several meetings with key development partners and with United Nations agencies to discuss peacebuilding priorities and other related issues.

A mission was dispatched, led with professionalism and dedication by Ambassador Grauls of Belgium — whom I welcome, and who will be joining us later for the opening of the dialogue. We look forward to welcoming him to Bangui once again.

The three priorities identified by the mission are security sector reform, good governance and the rule of law, and the establishment of development poles. In our view, those three pillars can foster a climate of stability for relaunching economic activities and for combating the extreme poverty in which people are languishing.

Regarding a review of the United Nations presence in the Central African Republic, the Secretary-General, after consultations with national and international partners, intends to prepare and submit to the Security Council proposals for an integrated mission in the Central African Republic to ensure consistent and coordinated action.

We are thus at a turning point when the Central African Republic must shoulder its responsibilities in facilitating the commitment of the international community to aid it in implementing the priorities set out by the Peacebuilding Commission. To provide the best possible opportunity for the proper implementation of these transformational objectives, peace and security are essential. The actual holding of the political dialogue will without doubt serve as a catalyst to ease the atmosphere, and to promote a relaunching of economic activities and the successful holding of the general elections planned for 2010.

Now that a genuine window of opportunity is opening up for this country, all efforts must now be focused on the holding of this major political forum, which the Central African Republic desires. The international community must also assist the peace process by providing substantial support to the DDR programme provided for in the Comprehensive Peace Agreement. The stability of the country is at stake here, and it is this that will allow for the advent of peace and sustainable development in the Central African Republic.

The President: I thank Mr. Fall for his statement.

I now give the floor to His Excellency Mr. Jan Grauls, Chair of the Central African Republic configuration of the Peacebuilding Commission and Permanent Representative of Belgium.

Mr. Grauls (Belgium) (spoke in French): At the outset I should like to congratulate you, Mr. President, on the accession of Croatia to the presidency of the Council — an accession that constitutes a historic event for your country — and to assure you of the full support of my delegation during the month of December.

I would now like speak in my capacity as Chair of the Central African Republic country configuration of the Peacebuilding Commission.

Over the past few years, the Government of the Central African Republic has focused on restoring

stability throughout its territory and launching a process of national reconciliation, although the living conditions of the Central African population remain extremely difficult as a result of insecurity and extreme poverty. This progress has awakened a hope in the international community of seeing the situation in the Central African Republic improve over the coming years. And that hope has in turn awakened a new confidence in the political will of Central African actors.

It is in that context that, last May, the Peacebuilding Commission was entrusted with the responsibility of accompanying the Central African Republic on the road to stabilization. Since then, our configuration of the Peacebuilding Commission has been making rapid progress towards the definition of a strategic framework, expected to be completed in February 2009, which will establish the precise parameters for the joint commitments of the Central African configuration of the Peacebuilding Commission and the Central African Government.

The Central African Republic is the fourth country on the agenda of the Peacebuilding Commission, and we have the opportunity to benefit from the experience of our predecessors. However, the situation in the Central African Republic is of a different scale, when compared to the situations in the other countries on the Peacebuilding Commission agenda. Effectively, this country has just emerged from decades of instability and conflict. The inclusive political dialogue to be launched in Bangui this Friday, 5 December, where I will be present, a few days after the fiftieth anniversary of the independence of the Central African Republic, should mark a decisive step towards agreement among all political, economic and social actors and those of civil society. The Peacebuilding Commission is convinced that the Government is aware of the historic importance of this dialogue, and the international community awaits its outcome with interest. The success of this dialogue should see the Central African Republic move from the conflict phase to the post-conflict phase in its development.

I would also like to indicate that, on two occasions over the past few months, the Secretary-General of the United Nations has impressed upon the Central African authorities that this political dialogue must be facilitated. I am convinced that these personal interventions on the part of the Secretary-General have

not been without effect. I would also like to refer to the decisive role of President Omar Bongo Ondimba of Gabon in the process that led to the launching of these dialogues.

The process of peacebuilding in the Central African Republic is only beginning. That is why the Central African Government and our configuration have focused our talks on a limited number of priorities. Together we have identified three priority areas for peacebuilding, to which Mr. Fall has already referred.

The first is security sector reform, which concerns in-depth reform of those institutions that are crucial for the stability of a democratic State and which includes efforts focused on demobilization, disarmament and the reintegration of politico-military groups. This process of demobilization, disarmament and reintegration should be launched as soon as possible after the conclusion of the inclusive political dialogue, on the basis of a plan of action prepared by the United Nations Development Programme (UNDP). One of the first priorities of the Peacebuilding Commission will be the mobilization of additional resource for this process.

The second priority is good governance and the rule of law, which represent important challenges in this country still suffering from serious human rights violations, insufficient democratic structures, an administrative culture in need of modernization and public services that must do more to reach the population beyond the capital. In close cooperation with Central African authorities, UNDP launched two good-governance programmes in October. The recent human rights report by the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) also provides a good platform for cooperation with the Central African authorities. Impunity, too often enjoyed by human rights violators, including members of the armed forces and the police, remains a serious problem.

The third priority is the establishment of focal points for development with the three-fold objective of restoring Government authority throughout the entire territory through a decentralized structure, revitalizing economic areas and improving access to public services in densely populated areas. This concept was developed by the European Commission in cooperation with the Central African Government, which

incorporated it into its poverty reduction strategy paper.

During this watershed period, the joint perspectives of the inclusive political dialogue and peacebuilding efforts must not, however, allow us to forget that the presence of a peacekeeping operation continues to be indispensable at this point. Even though the mandate of the United Nations Mission in the Central African Republic and Chad is not on our agenda today, I should like to advocate that the European Union Force be replaced at the end of its mandate by troops of a United Nations force in the north-east of the Central African Republic, as the Government has requested. Such measures are necessary until the Central African armed forces are themselves in a position to guarantee security in this part of the territory. In this context, my delegation and the Peacebuilding Commission welcome the transition from the Multinational Force of the Central African Economic and Monetary Community (FOMUC) to the Mission for the consolidation of peace (MICOPAX), the regional peacebuilding force of the Economic Community of Central African States.

Faced with the magnitude of these challenges, it is also fundamentally important for the international community and the entire United Nations system to work in an even more concerted fashion, something that our specific configuration will exert itself to achieve. The recent visit to Bangui of a delegation of our configuration enabled us to gauge to what extent it would be desirable for the United Nations in the Central African Republic to be able to speak with one voice and to act in a more coordinated fashion. In this context, the Peacebuilding Commission welcomes the intention of the Secretary-General, set out in his last report on BONUCA, to rapidly issue recommendations for the establishment of an integrated United Nations office in the Central African Republic. That integration is absolutely indispensable. In the meantime, the Peacebuilding Commission supports the Secretary-General's recommendation to prolong BONUCA's mandate for one year with the objectives described in the report.

I would like to conclude by emphasizing the hope represented by the process now underway for the Central African people so long as the necessary will and vision to build a better future are present. Within our formation, national ownership has already been reflected in the identification of peacebuilding

priorities. On the eve of the inclusive political dialogue We welcome the commitment of the Central African Government to put in place the necessary conditions for the work of our special formation.

In order to restore stability and peace throughout all of the territory, the process of political dialogue must be relaunched with the inclusion of all political actors and armed groups. It will, therefore, be necessary, on the one hand, for the international community to support the Government in its efforts and, on the other, for the Government to display genuine political determination in order to build,

through joint action, lasting peace in the Central African Republic.

Finally I would like to thank the Special Representative of the Secretary-General, Ambassador François Fall, and his team in BONUCA for their commitment and their excellent collaboration with my configuration of the Peacebuilding Commission.

The President: There are no further speakers inscribed on my list. In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council Members to informal consultations to continue our discussion on this subject.

The meeting rose at 12.10 p.m.



Security Council

Sixty-third year

Provisional

6028th meeting

Wednesday, 3 December 2008, 10 a.m.

New York

<i>President:</i>	Mr. Jurica	(Croatia)
<i>Members:</i>	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Mr. Zhang Yesui
	Costa Rica	Mr. Urbina
	France	Mr. Ripert
	Indonesia	Mr. Kleib
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	Russian Federation	Mr. Churkin
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

Reports of the Secretary-General on the Sudan

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court.

It is so decided.

I invite Mr. Moreno-Ocampo to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, whom I welcome. I now give him the floor.

Mr. Moreno-Ocampo: I thank Council members for the opportunity to brief the Council again on my judicial activities. As in the past, I will endeavour to provide as much clarity as possible on the steps foreseen by my Office.

One year ago, in December 2007, I informed the Council that my office would investigate who bears the greatest responsibility for ongoing attacks against civilians in Darfur, who maintains Minister Ahmad Harun — a man indicted for war crimes and crimes against humanity — in a position to commit crimes, and who instructs Harun and others. I also informed the Council that I was planning to investigate a third case focusing on the attacks against African Union peacekeepers.

Six months later, in June 2008, I informed the Council about the details of those two cases. I described the attacks against ethnic groups throughout Darfur, in their villages and in the camps for displaced persons, attacks which had been pursued over a period of five years. Such acts required, I said at the time, the sustained mobilization of the Sudanese State apparatus,

including the military, security and intelligence services and including the integration of the militias and Janjaweed into the reserve forces, the coordination of the diplomatic and public information bureaucracies and the control of the judiciary.

I indicated that the case would be presented to the Judges by mid-July 2008. I also described the progress of the investigation into the murderous attack by rebels against peacekeepers in Haskanita in September 2007. I reported again that the Sudanese Government had taken no steps to arrest and surrender Ahmad Harun and Ali Kushayb, against whom the Judges had issued arrest warrants in April 2007.

Finally, I asked the Security Council to send a strong message to the Government of the Sudan requesting cooperation and compliance. Presidential statement S/PRST/2008/21 of 16 June 2008 sent this strong and united message:

"The Security Council takes note of the efforts made by the Prosecutor of the International Criminal Court to bring to justice the perpetrators of war crimes and crimes against humanity in Darfur ...",

and

"the Council urges the Government of Sudan and all other parties to the conflict in Darfur to cooperate fully with the Court, consistent with resolution 1593 (2005), in order to put an end to impunity for the crimes committed in Darfur."

Security Council resolution 1593 (2005) gave jurisdiction to the Court. That presidential statement confirmed the Council's support for the judicial work of the Court.

As announced, on 14 July 2008, I requested Pre-Trial Chamber I to issue an arrest warrant against President Omar Al-Bashir on charges of genocide, crimes against humanity and war crimes. The evidence shows that in March 2003, President Al-Bashir ordered the attacks against the Fur, Masalit and Zaghawa ethnic groups. Stating, "I want no prisoners or wounded, only scorched earth", he triggered brutal attacks in villages and in camps for displaced persons. At least 35,000 persons have been killed; approximately 300,000 suffered a slow death; and thousands of women and girls are the victims of rape. Today, the 2.5 million people in the camps are being subjected to living

conditions calculated to bring about their physical destruction.

In response to the application, Presidential Adviser Bona Malwal said on 25 July, "We are telling the world that, with the indictment of our President Al-Bashir, we cannot be responsible for the well-being of foreign forces in Darfur"; Adam Hamid Musa, recent Governor of South Darfur, threatened that there would be "more genocide such as has never before been seen by anyone" if President Al-Bashir were indicted; and President Al-Bashir himself said, "We are not looking for problems, but if they come to us, then we will teach them a lesson that they will not forget." Such statements inciting violence are threats against the victims and against the men and women deployed on the ground under the authority of the Council. Such threats should be seen for what they are: a confirmation of criminal intentions.

The judges will rule shortly on this application. It is time to be prepared for their ruling.

On 20 November 2008, I presented to Pre-Trial Chamber I the Haskanita case, against three rebel commanders allegedly responsible for the war crimes of directing attacks against peacekeepers, murder and pillaging. Those commanders led forces of approximately 1,000 men with heavy weapons to attack peacekeepers of the African Union Mission in the Sudan (AMIS). They killed 12 peacekeepers and severely wounded 8 others. Such attacks against peacekeeping operations constitute exceptionally serious offences; they strike at the heart of the international system established for the purpose of maintaining peace and security; and they affect the millions of civilians whom peacekeepers are mandated to protect.

In response to my Office's application, there have been reactions by five rebel groups, parties to the conflict, stating that they are ready to collaborate with the International Criminal Court (ICC) and to hand over any member of their movement if so requested by the Court. Such words must be followed by actions. The individuals involved in the crimes will have to come to The Hague and appear before the judges. No one is above the law.

Over the past few months, the Government of the Sudan has not heeded the Council's presidential statement contained in document S/PRST/2008/21. Genocide continues. Rapes in and around the camps

continue. Humanitarian assistance is still hindered. More than 5,000 displaced persons die each month. I repeat: each month, more than 5,000 people die.

In Kalma camp on 25 August, Government forces armed with guns attacked civilians — Furs — ho sought to defend themselves with sticks and spears. At least 31 were killed and more than 65 were wounded, including women and children. On 10 September, my Office sent a letter to the Government of the Sudan requesting information on national investigations or prosecutions planned or under way in relation to the events of 25 August. There has been no response.

In camps all over Darfur, the Humanitarian Aid Commission, within Minister Harun's remit, working in close association with the intelligence and security apparatus, is as active as ever. Significantly, the Commission's most recent act was to put an end to mental health care for the displaced. Day after day, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and others tally the incidents of rape perpetrated against women and girls. Yet, as recently as 7 October, President Al-Bashir publicly stated that "mass rape does not exist" in Darfur, adding that "women make these claims because they are relatives of the rebels". Villages continue to be bombed, as evidenced by the recent air strikes on Dairi Shagi and Oum Al-Wadi, in North Darfur. An additional 300,000 people have been displaced since the beginning of this year.

Complementarity is a cornerstone of the Rome Statute. Complementarity is an opportunity for each State to shoulder its own primary responsibility for investigating and prosecuting crimes. As Ivo Sanader, Prime Minister of Croatia, described in one concise sentence in the General Assembly, "The ICC provides a vital recourse to justice in situations where national Governments cannot or will not address these issues themselves" (A/63/PV.12).

In the present case, applying the complementarity test is a straightforward matter. There has been no change since June. There are no national proceedings in the Sudan in relation to the massive crimes being investigated by the Court. The report of the Government of the Sudan circulated to the African Union and the United Nations on 17 September 2008 officially confirms that. As the report indicates, over the past five years, the Sudan has tried and completed only seven cases — I repeat, seven cases — that are

from the dockets of the ordinary courts and, more important, have no connection to the campaign of crimes coordinated by Ahmad Harun, perpetrated by Ali Kushayb and others and, as the prosecution alleges, ordered by President Al-Bashir. The gravest case investigated by the Sudanese authorities is that of a student killed during a demonstration. In spite of all the statements about the work of the Special Courts since 2005, and in spite of recent announcements and appointments, nothing — nothing — has been done.

Rumours of an investigation of Ali Kushayb have not materialized to date. And Ahmad Harun, as the Council knows, is still the Minister of State for Humanitarian Affairs of the Sudan, in charge of the same people he has displaced. President Al-Bashir has publicly declared that he would not hand over Minister Harun to the International Criminal Court, because Minister Harun was implementing his instructions. The impunity afforded to Ahmad Harun is a direct message to all perpetrators of crimes in Darfur that the President will protect those who follow his orders. It is also a threat to the victims, to the personnel which you, members of the Security Council, mandated on the ground, and a direct challenge to the authority of the Council itself.

President Kikwete of the United Republic of Tanzania, in his capacity as President of the African Union, stated in the General Assembly that the most urgent matter is to save lives in Darfur. His words were wise words. These crimes must be stopped. For years, the Security Council and Member States have warned the Sudanese authorities about the illegality of bombing schools and of the dangers posed by not disarming the militia/Janjaweed.

This is a very important issue. The mobilization of the militia/Janjaweed has allowed President Al-Bashir to disguise the conflict for years as a tribal one that had nothing to do with State forces. President Al-Bashir created the illusion of militia/Janjaweed autonomy, and this helped him to continue to carry out the genocide in the face of international scrutiny.

In order to stop the crimes, this Council has repeatedly formulated key recommendations — namely, disarming the militia/Janjaweed; ending air strikes against civilian targets; facilitating aid; and promoting accountability. In response, the Government of the Sudan has offered empty promises, which have been contradicted by their actions.

As early as 19 June 2004, President Al-Bashir ordered a complete mobilization to disarm all illegal armed groups in the Darfur region, including the Janjaweed, only to state the day after his pledge that this applied only to the bandits, not to the Popular Defence Forces, Popular Police or other tribesmen armed by the State to fight the rebels. Again, on 3 July 2004, the Government of the Sudan issued a joint communiqué with the United Nations in which the Government promised to disarm the militias, bring the perpetrators of human rights abuses to justice and remove any obstacles to humanitarian access. The list is endless.

In Italy, on 15 September 2007, President Al-Bashir promised a ceasefire. Three weeks later, Sudanese troops and their allied militias killed over 30 civilians in an attack on Muhagiriya in South Darfur. On 19 December 2007, President Al-Bashir gave a public address, stating the Government's unilateral commitment to a ceasefire in Darfur. Aerial bombardments of civilians ensued within a month, with strikes against the villages of Abu Surouj, Sirba and Suleia in January and February 2008. Recently, on 17 October 2008, the Secretary-General reported to the Security Council that the Government of the Sudan had yet to stop aerial bombardments; had yet to take steps to disarm the militia/Janjaweed; and had yet to comply with its obligations under humanitarian law to protect civilians. On 12 November, President Al-Bashir pledged once again to commit to a ceasefire and to disarm the Janjaweed. On 19 November, one week later, Secretary-General Ban Ki-moon said that the United Nations was again looking into reports of continuing aerial bombings on civilians in Darfur.

When it comes to justice, furthermore, only words have been offered. Opening the Sudanese People's Initiative one month ago, President Al-Bashir said:

"Because we believe that justice is a paramount value and ... is the foundation of good governance, we announce our commitment to establish the rule of law in all parts of Darfur in order to do justice to the oppressed.... I have instructed all legal bodies to continue performing their duties in Darfur without laxity, paying special attention to acting on complaints and finalizing legal procedures in the best possible way in order to guarantee the conduct of fair trials in total transparency."

Nevertheless, every day we hear of human rights defenders being arrested and tortured in Khartoum. Three were arrested last week and tortured on account of giving information to the International Criminal Court. So-called suspected ICC witnesses are being arrested and tried for treason. Sudanese officials are looking for possible witnesses in order to silence them. This is not how evidence is collected; this is how crimes are covered up. This is the "justice to the oppressed" that President Al-Bashir is talking about.

All the partners of the Sudan have advised it that the only way forward is to take concrete and concise steps. The Sudanese authorities have not taken any. President Al-Bashir could have disarmed the militia, stopped attacks on civilians, returned land to the displaced, arrested and surrendered Harun and Kushayb to the ICC in The Hague. He has not done so. He continues to implement his plan to destroy entire ethnic groups. His criminal behaviour includes providing immunity and concealing crimes. President Al-Bashir is using the diplomatic apparatus and campaigning against the ICC. President Al-Bashir is trying to convince organizations and the Security Council that they have to protect him. The international community cannot be part of such a cover-up. Faced with genocide and crimes against humanity, we know that inaction and business as usual are part of the crimes. The victims are not afraid of justice.

The Council has identified four tracks for a comprehensive solution in Darfur: peace, security, humanitarian aid and justice. None can succeed in isolation.

Peacekeepers and aid workers should not be forced to work in an environment where the crimes they are trying to prevent are ordered by President Al-Bashir himself. In such an environment, their efforts will never be enough. As long as the arsonists are in charge, it does not matter how many firefighters you send. There will never be enough.

The Security Council requested judicial intervention. My Office investigated those bearing the greatest responsibility. All the arrest warrants and all the requests for arrest warrants have been made public. There are no others. Ahmed Haroun and Ali Kushayb must be surrendered to the Court. All parties to the conflict must respect the law.

The decision on the request for an arrest warrant against President Al-Bashir is now in the hands of the

judges. The Council must be prepared. If the judges decide to issue an arrest warrant against President Al-Bashir, there will be a need for united and consistent action to ensure the execution of the arrest warrant. President Al-Bashir will insist on denying his crimes and will offer a few words. President Al-Bashir will insist on getting the Council's protection.

The international community cannot conceal the crimes. President Al-Bashir's criminal actions should not be ignored. Statements of ceasefires followed by bombings, denial of mass rapes or promises of justice while torturing the witnesses should not be supported. The international community cannot be part of any cover-up of genocide or crimes against humanity.

As the Minister for Foreign Affairs of Costa Rica, Bruno Stagno Ugarte, said in June (see S/PV.5905), all we need is for the States members of the Security Council to muster the political will necessary to enforce full compliance with resolution 1593 (2005) by the authorities in Khartoum. Enough appeasement: the time has passed for continuing to accommodate evil.

The President: I thank Mr. Moreno-Ocampo for his briefing. I shall now give the floor to the members of the Security Council.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): Once again, Sir, we would like to congratulate you on your assumption of the presidency of the Security Council for this month and to assure you of our full and constructive cooperation. We would also like to express our high appreciation to Mr. Jorge Urbina and his staff for their exemplary conduct of the Council's work in November.

We thank Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC), for his briefing, although we have some criticisms of it. We believe that peace and justice are inseparable objectives and are necessary for the settlement of any conflict, whether in Darfur or elsewhere. We believe that judicial justice can be achieved only in an environment of security and political stability. The establishment of peace and stability is thus an objective prerequisite for upholding justice. We therefore always attempt to avoid any measures that could have a negative impact on efforts to establish security and achieve a political settlement.

Regrettably, the recent step taken by the Prosecutor regarding an arrest warrant against the

President of the Sudan, Mr. Omar Al-Bashir, raises legitimate questions and concerns. That step comes at an extremely sensitive time when the deployment of the hybrid force has begun and when further regional and international efforts are being made to move the political process ahead. This is precisely the time at which the Prosecutor has taken this step.

The report of the Prosecutor speaks of all the measures taken in accordance with the mandate accorded by resolution 1593 (2005). We hope that that mandate will be complied with objectively and professionally, in order to ensure justice, and with a comprehensive understanding of this extremely complicated subject.

Many claims and accusations have been made, foremost among which is the 14 July 2008 request that the ICC to issue an arrest warrant against the President of the Republic of the Sudan, Mr. Omar Hassan Al-Bashir, within the context of accusations of crimes of genocide. This request was made in a manner that gave the impression that we are dealing with a Government whose sole concern is to obliterate its most important components, namely, its people and its social fabric.

Experience and a concern for justice have taught us that strong words — and here I am referring to resolution 1593 (2005) — are not conducive to finding solutions or to creating an environment of cooperation and assistance with the Government of the Sudan, as called for by both the resolution and the report before us. To the contrary, strong words endanger the growing cooperation between the Government of the Sudan and the African Union-United Nations Hybrid Operation in Darfur. All of us understand that, by its very nature, cooperation is a dynamic process that can only be successful through calm dialogue and mutual trust, however differently we may interpret the complementary nature of the jurisdiction of the International Criminal Court or the Sudan's commitment to resolution 1593 (2005).

Although the report indicates that the Prosecutor has been actively involved with the United Nations, the African Union, the League of Arab States and other organizations, it does not address the apprehensions and concerns expressed by those bodies in many resolutions and statements with regard to the negative impact of the latest measure taken against the President of the Republic of the Sudan. For example, in its

communiqué of 21 July 2008, the African Union Peace and Security Council expressed its conviction that,

“in view of the delicate nature of the process under way in the Sudan, approval by the Pre-Trial Chamber of the application by the ICC Prosecutor could seriously undermine the ongoing efforts aimed at facilitating the early resolution of the conflict in Darfur and the promotion of long-lasting peace and reconciliation in the Sudan as a whole and, as a result, may lead to further suffering for the people of the Sudan and greater destabilization with far-reaching consequences for the country and the region” (S/2008/481, annex, para. 9).

Should not all those considerations be taken into account by everyone who is truly concerned about ensuring justice and ending the humanitarian suffering in the region?

In the same communiqué, the African Union Peace and Security Council requested the United Nations Security Council, in accordance with article 16 of the Rome Statute, to defer the process initiated by the International Criminal Court. Undoubtedly, the motive of the African Union Peace and Security Council is to establish peace and end human suffering, which are prerequisites for ensuring justice.

In addition to that example and the position of the African Union, which is the main partner of the United Nations in the Hybrid Operation in Darfur, other regional organizations such as the Organization of the Islamic Conference and the League of Arab States have expressed similar positions in statements and decisions that they have adopted. We therefore call on the international community, as represented in the Security Council, to take the initiative to respond to the concerns expressed and requests made by those organizations stemming from their interest in maintaining international peace and security.

We have recently seen great momentum in the Sudan in favour of establishing peace in Darfur. Decisions have been taken by the Sudan People's Initiative, with the participation of all political entities and stakeholders in Darfur and the Sudan. These decisions have been widely welcomed at the national, regional and international levels and have engendered hope for the chances of achieving peace in Darfur. Ensuring justice and combating impunity have been at the centre of those recommendations and decisions.

In conclusion, Libya would like to reiterate its strong commitment to the principles of peace and justice and to not permitting impunity. We should also like to express our ongoing readiness to take part in every effort aimed at establishing peace and ensuring justice in Darfur. We call upon the international community, the African Union and the Arab League to pursue their joint efforts to find a resolution to that bloody conflict, so as to create the conditions necessary to ensure justice.

Mr. Grauls (Belgium) (*spoke in French*): Allow me, first of all, to thank Prosecutor Moreno-Ocampo for his report. His statement prompts me to make six comments.

First, serious crimes continue to be committed in Darfur today. The information provided by the Prosecutor in that regard is alarming. We encourage him to continue his investigations into the situation.

Secondly, the arrest warrants issued for Mr. Haroun and Mr. Kushayb have not yet been executed. To the contrary, Sudanese officials have once again reiterated that the Government of the Sudan does not intend to cooperate with the Court and that, in particular, in violation of a resolution of the Security Council, that it has no intention to surrender those two persons to the International Criminal Court (ICC).

Thirdly, the report contains detailed information about the second matter at hand, namely, the charges against President Omer Al-Bashir, against whom the Prosecutor has requested an arrest warrant. My delegation is deeply concerned about information regarding the systematic involvement of the State apparatus in a plan to destroy ethnic groups, which is the basis for the charge of genocide being made by the Prosecutor. In particular, the allegations of systematic rape aimed at annihilating populations, and policies whose purpose is to methodically starve the same populations, must be either confirmed or disproved through a judicial process. Persons being investigated by the Court, now and in the future, as well as the Government of the Sudan, must reply seriously to those accusations, rather than verbally attacking the ICC and the Prosecutor. Given the extreme seriousness of the matter at hand, my delegation is more than ever convinced that the judicial process must continue in total independence. The populations of Darfur will not be able to enjoy lasting peace as long as impunity reigns.

Fourthly, my delegation takes note of the opening of a third investigation of war crimes allegedly committed by three rebel commanders. Intentional attacks against peacekeeping staff and materiel are unacceptable and must be prosecuted in conformity with the Rome Statute.

Fifthly, we thank the Prosecutor for explaining in his report and briefing the issues relating to admissibility and complementarity. These clarifications are welcome because a degree of confusion often exists around these central notions of the Rome Statute. As the Prosecutor says in his report:

"The Office is not mandated to assess the Sudanese judicial system as a whole, or to monitor judicial proceedings in the Sudan ...

"The complementarity test is whether or not the Government of the Sudan has genuinely investigated or prosecuted, or is genuinely investigating or prosecuting the cases selected for prosecution by the Office ...

"Furthermore, it is the responsibility of the Government of the Sudan, or the individual concerned, should they assess that such national investigation or prosecution exist, to come to the ICC and challenge the admissibility of the case. This cannot be done through the media or through the reports of intermediaries. It can only be done through proper legal channels. Finally, the decision rests with the ICC Judges."

Sixthly, my delegation is pleased to note the many meetings between the Prosecutor and the representatives of States and organizations, particularly in Africa. This communication is indispensable and can help to dissipate a number of misunderstandings and confusion with regard to the issue of complementarity, the basis for the jurisdiction of the Court in Darfur, as well as misunderstandings with regard to the role of the Prosecutor. In this regard, it is useful to recall, as the Prosecutor did at the conclusion of his briefing, that

"[t]here is no immunity on account of rank or official position before the International Criminal Court for persons against whom warrants of arrest have been issued by the Judges of this Court".

A number of conclusions should be drawn from what I have said. First, we must reaffirm the need to allow the International Criminal Court to do its work in

complete independence and oppose all political interference.

Secondly, the Government of the Sudan must cooperate with the Court and the Prosecutor, as required by resolution 1593 (2005) and as was recalled in the presidential statement of 16 June 2008. In particular, the Government must arrest and hand over the two individuals against whom arrest warrants have been issued — one of whom is still a Government minister — so that they can present their defence before the Court.

Thirdly, we must also urge all parties to the conflict to abstain from all violations of international humanitarian law and human rights.

Fourthly, the Security Council must not tolerate and must hold the Sudanese authorities responsible for any threat or reprisal against the peacekeeping forces, humanitarian workers or civilians in Darfur that might be organized following the issuance of an arrest warrant against the President. These threats should — and once again I quote the Prosecutor — “be seen for what they are — a confirmation of criminal intentions and not rewarded with promises of impunity. The Security Council would discredit itself if it were to allow itself to be manipulated by blackmail.

Finally, Belgium supports the call of the Prosecutor to consider imposing sanctions in the form of a travel ban or an assets freeze against persons or groups protecting persons against whom arrest warrants have been issued.

Mr. Ripert (France) (*spoke in French*): At the outset, I would like to thank Mr. Moreno-Ocampo for his report, submitted pursuant to resolution 1593 (2005).

In 2005, the Security Council referred the situation in Darfur to the International Criminal Court (ICC), pursuant to Chapter VII of the Charter, in response to the extremely serious violations of international humanitarian law committed in that region.

The most recent quarterly report of the Prosecutor unfortunately confirms that, six years later, these violations are continuing and that serious and repeated crimes falling under the jurisdiction of the ICC and within the purview of resolution 1593 (2005), continue to be committed in Darfur. Therefore, the submission to the Court remains fully justified.

In its preamble, the Rome Statute emphasizes that crimes as serious as those perpetuated in Darfur “threaten the peace, security and the well-being of the world” and affirms that “the most serious crimes of concern to the international community as a whole must not go unpunished”.

These words provide a full explanation of the Security Council’s action. We adopted resolution 1593 (2005) because the struggle against impunity is inseparable from the restoration of peace and security to Darfur. By its resort to article 13 of the Rome Statute, the Security Council, the principle organ for the maintenance of international peace and security, is fully carrying out the mission entrusted to it by the United Nations Charter.

Three investigations on the crimes committed in Darfur have been opened by the Prosecutor since the adoption of resolution 1593 (2005). The first led to the issuance by the Court of arrest warrants against Mr. Ahmed Haroun and Mr. Ali Kushayb for crimes against humanity and war crimes. The second led the Prosecutor to request the issuance of an arrest warrant of the President of the Sudan for genocide, crimes against humankind and war crimes. Finally, in the third, the Prosecutor placed before the Court charges on war crimes against three rebel commanders allegedly responsible for the Haskanita attack against African Union forces.

In the first instance, the Government of the Sudan is still not cooperating with the Court in the carrying out of the arrests of Mr. Haroun and Mr. Kushayb. At the moment, nothing leads us to believe that it intends to carry out these arrests. Mr. Haroun even continues to occupy his ministerial functions.

In the two other cases, we await the decision of the Court, which will make a fully independent ruling based on the merits of the indictments. As the Prosecutor has emphasized, no procedure has actually been begun within the Sudanese judicial system regarding the cases currently before the ICC.

France is dedicated to the authority of both the Security Council and the ICC, the judicial body authorized to punish the most serious crimes against international humanitarian law and human rights.

The responsibility for the present situation in Darfur falls neither on the Security Council, which has taken the measures it deems necessary for the

maintenance and restoration of peace, nor on the ICC and its various bodies, to which the Council entrusted a mission which it is exercising in full independence. The Sudanese authorities have the obligation to cooperate with the International Criminal Court with regard to the execution of the warrants issued for Mr. Haroun and Mr. Kushayb. They could, for example, themselves undertake to pursue the two accused under national jurisdiction in accordance with articles 17 to 19 of the Statute of Rome.

Furthermore, the Sudanese authorities bear a heavy portion of the responsibility for hindering international deployment and humanitarian activity in Darfur, for the cross-border activity of armed groups aimed at destabilizing the neighbouring country of Chad and for the absence to date of a potential political solution to the crisis.

Progress has recently been made in the deployment of the African Union-United Nations Hybrid Operation in Darfur, the renewal of moratoria on the restrictions on humanitarian operations and the resumption of diplomatic relations with Chad. However, that does not constitute a radical change in the policy of the Sudanese authorities in Darfur. Attacks continue despite the proclamation of a +- unilateral cessation of hostilities; the Janjaweed militia show no signs of concern; the humanitarian situation continues to deteriorate. For their part, the rebels must assume their full responsibility in seeking to reduce violence, to respect international law and to effect the active resumption of the political process.

As the Prosecutor has done in his report, I would like to recall the language of the presidential statement adopted by the Security Council, our Council, on 16 June:

"The Security Council takes note of the efforts made by the Prosecutor of the International Criminal Court to bring to justice the perpetrators of war crimes and crimes against humanity in Darfur and ... the transmittal by the Registry of the International Criminal Court to the Government of the Sudan on 16 June 2007 of arrest warrants and the opening by the Prosecutor of other investigations on crimes committed by various parties in Darfur.

"In this respect, the Council urges the Government of the Sudan and all other parties to the conflict in Darfur to cooperate fully with the

Court, consistent with resolution 1593 (2005), in order to put an end to impunity for the crimes committed in Darfur" (S/PRST/2008/21).

That presidential statement remains fully relevant. The Sudanese Government's dispute of both the authority of the Security Council and the jurisdiction of the Court is not admissible. We must remind the Sudan of its obligations to respect the Security Council's resolutions and to cooperate with the International Criminal Court in the implementation of resolution 1593 (2005). In 2005, the Security Council gave the Court the task of fighting impunity in Darfur in the interests of justice and peace. The Sudanese Government must cooperate with the Court to carry out this mission, as do all other parties to the conflict in Darfur and, more generally, all States and regional and international organizations concerned.

Mr. Zhang Yesui (China) (*spoke in Chinese*): At the outset, I would like to congratulate Croatia on its assumption of the presidency of the Security Council for this month. I believe that, under your guidance, the work of the Security Council will proceed very smoothly.

We appreciate the briefing to the Security Council by Mr. Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC) on the latest developments in dealing with impunity in Darfur. The question of the Sudan covers two issues: the North-South question and that of the Darfur region. The problem of Darfur involves the political process, peacekeeping deployment, economic development, humanitarian relief assistance and judicial justice. The situation is complex and very tough. Currently, the international community is focused on two major issues: first, whether the peaceful situation can be maintained in the Sudan; and secondly, whether the largest mission in the history of United Nations peacekeeping can be implemented smoothly and achieve its desired results.

At present, North-South relations in the Sudan, next year's presidential election and the political processes in Darfur are at very sensitive junctures. As the Sudan is the largest country in Africa in terms of geography, the question of whether peace can be maintained there is of great significance to the region and the African continent as a whole. It will take a great political wisdom to find a balanced and comprehensive way to achieve peace and justice.

Regional conflict usually leads to massive human rights violations and criminality. In recent years, in the context of the international community's cooperative efforts to address regional hotspots, answers have been proposed for addressing impunity and achieving international judicial fairness. However, the pursuit of international judicial justice should be carried out with the ultimate aim of putting an end to conflict and in the wider context of restoring peace.

We recall that, in recent years, international judicial action against impunity has been successful only in situations where conflict has ceased and peace has been consolidated. In such circumstances, judicial practices are less likely to experience interference from political factors and are thus more likely to achieve justice. The hasty launch of legal proceedings while conflict is ongoing will inevitably result in interference in the relevant political processes. In such circumstances, no good results will be obtained, even with the best intentions to pursue international justice.

The International Criminal Court embodies the expectations and aspirations of nations to pursue international justice. To that end, the Court needs the political trust and support of all nations. In July, the Prosecutor of the ICC announced the Court's charges against leaders of the Sudan, causing considerable worldwide repercussions. Many States are concerned that this move will have a negative impact on peace in the Sudan. The League of Arab States and the African Union have both expressed their serious concern.

The Government of the Sudan is working to end impunity in Darfur through national proceedings. Furthermore, the Government of the Sudan has also been making new efforts, including through active cooperation with the United Nations peacekeeping deployment. It has expressed its support for the Carter initiative and for the peaceful efforts of the Joint Chief Mediator to promote negotiations. It has also announced a ceasefire in Darfur. All these measures deserve to be acknowledged and welcomed.

The Chinese Government supports the international community's efforts to achieve peace and international justice in Darfur. We appeal to the International Criminal Court in the spirit of cooperation to create a situation in which its efforts, together with those of other parties of the international community, can interact positively to jointly promote the peace process in the Sudan.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I wish at the outset to thank Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC), for the eighth report of the Prosecutor on steps being taken to investigate the situation in Darfur pursuant to Security Council resolution 1593 (2005), and for his briefing today. This contained both analytical and emotional elements, as well as political views that exceeded the boundaries of the competence of the Prosecutor of the International Criminal Court.

The Russian Federation views the report's information on the unceasing violence in Darfur with profound regret and concern. It is clear that this violence can reliably be stopped only through clear progress towards a political settlement in that region of the Sudan. In that regard, the Security Council bears a great responsibility with respect to ensuring the effectiveness of the African Union-United Nations Hybrid Operation in Darfur, carried out under a Council mandate.

We take note of the Prosecutor's aspiration to carry out his functions in an independent and unbiased manner. But there is also a need to balance the demands of personal responsibility and the interests of the peace process. Work in the legal sphere must proceed taking into account the joint efforts towards a settlement of the situation in Darfur and in the Sudan as a whole.

On numerous occasions in the past, the Russian Federation has noted the importance of an objective assessment of the actions of all parties to the conflict. We are satisfied by the fact that steps are being taken in the investigation to clarify the circumstances of the September 2007 attack on African Union peacekeepers at Haskanita. At the same time, however, in spite of the difficulties in this area of the investigation, it is important to step up work to gather information about the activities of rebel factions.

It is well known that the Prosecutor's decision to approach the judges of the ICC with a request for an arrest warrant against President Al-Bashir of the Sudan did not produce a unanimous reaction: it evoked diverse reactions in international circles. Specifically, authoritative regional organizations such as the African Union and the League of Arab States expressed their concern about an indictment's possible negative

consequences for the situation in the Sudan. We fully understand their position on this issue.

At the present politically sensitive stage, it might well make sense to focus efforts on measures designed to restore dialogue and trust among the parties to the conflict. In our view, steps taken by the Sudan side to create its own capacity to investigate crimes that fall within the jurisdiction of the ICC should be encouraged. In that regard we take note of the letter dated 17 November 2008 from the Permanent Representative of the Sudan addressed to the President of the Security Council (S/2008/714), containing information about Khartoum's latest initiatives in this area.

For its part, the Russian Federation will continue to do everything in its power to bring about peace in Darfur.

Mr. Terzi di Sant'Agata (Italy): I too would like, on behalf of my delegation and on my own account, to thank Mr. Moreno-Ocampo, Prosecutor of the International Criminal Court, for his important briefing. I reiterate Italy's full support for the International Criminal Court (ICC) and for the work of the Prosecutor. Italy appreciates the difficult circumstances in which the Prosecutor is conducting this investigation and wishes to renew its strong confidence in him and in the Court. Italy believes that full support for him by the Security Council should emerge from today's debate.

More than three years have passed since the adoption of resolution 1593 (2005). On that occasion the Council decided to send a strong signal that peace and justice must be pursued hand in hand. Today we are being told once again that appalling crimes against civilians, including heinous violence against women, continue to be committed in Darfur in a climate of impunity. And we are being told that Sudanese institutions are still not cooperating with the International Criminal Court, while worrisome allegations are increasingly being made concerning the continuing involvement of the Sudanese Government in facilitating the activities of the Janjaweed militias. The need for a more effective approach to the conflict in Darfur, encompassing the humanitarian, security, political and rule-of-law dimensions, is today more urgent than ever in order to restore and maintain a lasting peace. There is no doubt that bringing to justice those responsible for serious and continued violations

of international humanitarian law and human rights law cannot be avoided, in order to contribute to peace in Darfur and throughout the country.

Italy welcomes the action undertaken by the Prosecutor with regard to the attacks against the African Union peacekeeping mission at Haskanita in 2007. The Rome Statute is clear in qualifying that type of crime as a war crime. At the same time, we strongly condemn all attacks against the civilian population, non-governmental organizations and humanitarian organizations, as described in the Prosecutor's report.

Resolution 1593 (2005) must be fully implemented. I should like to recall that in its paragraph 2 it requires that

"the Government of Sudan and all other parties to the conflict in Darfur, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution".

We are concerned by the reports of continued lack of cooperation, to which I have referred, and by the fact that the two arrest warrants that have been issued have not yet been executed. The European Union has issued many clear statements calling on the Government of the Sudan to cooperate unconditionally with the ICC and to surrender the two individuals for whom it has issued arrest warrants. It may also be appropriate to recall that the Government of the Sudan and all other parties to the conflict in Darfur are under a specific obligation to comply with Security Council resolutions. In that regard, we believe that the Security Council should carefully and promptly consider the issue of the possible adoption of individual sanctions with respect to those against whom arrest warrants have been issued.

Italy encourages the ongoing dialogue and diplomatic efforts deployed to date by the ICC, the African Union and the League of Arab States, as cited in the report. Fighting impunity is an important priority for the international community, but that principle, which is at the core of the Rome Statute of the ICC, has yet to be translated into consistent practice. The Court is entitled to intervene only when national authorities are unwilling or unable to genuinely prosecute. All States are under the primary obligation to prevent or to punish offences committed in their territories.

It is still possible for the Government of the Sudan, in the context of Darfur, to prove that it can prosecute and punish those who have committed crimes, at all levels, in its national courts. Justice, however, can no longer be postponed.

Mr. Kafando (Burkina Faso) (*spoke in French*): I too would like to thank Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, for his introduction of the eighth report on the activities of his Office with respect to the Darfur conflict. We take note of the report.

It is now a truism to say that the situation in the Sudan continues to be of great concern, given the very large number of victims both among civilians and among personnel of peacekeeping operations. We reaffirm that deliberate attacks against civilian populations and peacekeeping forces are unacceptable, irrespective of who carries them out. Faced with so complex and tragic conflict as that of Darfur, the international community must therefore demonstrate ingenuity and courage in order to bring about a comprehensive political solution as quickly as possible. We therefore welcome the numerous international initiatives of the United Nations, the African Union and several States, including Qatar, to help the people of the Sudan to survive their difficult ordeal. We thank in particular the joint United Nations-African Union Mediator for his ongoing efforts to that end. We also pay tribute to the women and men of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), who work every day in particularly trying conditions at the side of the people of the Sudan. For their part, the Sudanese parties have also made major commitments to finding a solution to the conflict. However, their efforts remain clearly insufficient, and they must be urged to be bolder and more engaged.

Faithful to the principles of justice and the rule of law, Burkina Faso wishes to reaffirm, as the African Union has already done, its dedication to fighting impunity and to promoting equal justice for all in the Sudan, and in Darfur in particular, without which no political solution to the crisis can endure. That is the only way to ensure that justice is done on behalf of the thousands of victims of the war.

Burkina Faso believes that the search for a political solution and the administration of justice are not at all contradictory so long as the integrity of each process is fully maintained. That is why, as a State

party to the Rome Statute, my country reaffirms yet again its full support for the activities of the International Criminal Court (ICC) and believes that those activities must be undertaken with the greatest possible caution and in the context of a purely judicial approach, with the sole objective of revealing the truth, prosecuting the guilty and protecting the interests of the victims in accordance with resolution 1593 (2005).

There is a particular need to avoid any action that could weaken the population's trust in the international community and thereby polarize the positions of parties, which could undermine all ongoing efforts and scuttle the political process, including the deployment of UNAMID, which we believe is not what the international community seeks to achieve. There is thus a need to assess opportunities in a dispassionate and objective manner and to take measures to ensure that equitable justice is served, while maintaining peace in Darfur, the Sudan and the region.

Follow-up and the success of the political process are to a great extent in the hands of the United Nations and the African Union, which, in support of that process, have decided together to deploy in Darfur the largest peacekeeping mission in history. We therefore invite the Sudanese Government to take all necessary steps to cooperate in the prosecution of persons recognized as being guilty of war crimes and crimes against humanity and, in general, to cooperate in combating impunity.

The Security Council, which has referred the case of Darfur to the ICC, must continue to closely follow developments in the prosecution and to pursue its consideration of the issue. It cannot reject any potential solution or spare any effort. It must be ready to listen to all, including the victims, the Court and, above all, its African Union partner. The African Union has always reaffirmed — in particular in its communiqué of 21 July — its conviction that “in order to achieve long-lasting peace and reconciliation in Darfur, it is imperative to ... bring to justice the perpetrators of gross human rights violations in that region” (S/2008/481, *annex, para. 10*). It is not advocating impunity in Darfur, but rather insisting on the need to preserve the integrity of all political and judicial processes and to ensure that the will for justice does not entail the taking of decisions that could jeopardize the political process.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): Allow me to begin by congratulating you, Sir, on your assumption of the presidency of the Council for this month. I am convinced that your abilities and experience will ensure your successful leadership of our work.

I thank the Prosecutor of the International Criminal Court (ICC) for his introduction of his report to the Council today.

We often feel that the international community is not yet fully aware of the true significance of the creation and consolidation of the ICC. The Court undoubtedly represents a transcendent step in the process of strengthening international law. We have clearly stated on other occasions that, as a member of the Council, Costa Rica intends to the best of its abilities to represent the interests of the small States that make up more than half the membership of the Organization and whose independence, sovereignty and territorial integrity depend on awareness and the strict observance of international law.

It is precisely for that reason that my country welcomed the creation of the Court and works assiduously to consolidate it. An international order that is unable to deliver punishment for the most serious crimes against humanity is one that cannot offer guarantees or protection to the millions of human beings who are subject to barbarity. We must raise our voices on behalf of those innocent victims and work to strengthen international law.

Fortunately, acting under Chapter VII of the Charter, in 2005 the Council adopted resolution 1593 (2005), putting the capacities of the young ICC to the test. I am that sure that, in adopting that resolution, the Council was aware that it was not only testing the Court's capacities, but, more important, expressing its commitment to implementing the Court's decisions. In referring the case to the Court, we were not merely lending it our support, but also committing ourselves to implementing and cooperating in the implementation of its decisions.

If the judges of the Court accede to the new requests of the Prosecutor by issuing new arrest warrants, all of those responsible will have the opportunity to exercise their full legal rights under the Rome Statute. My delegation is concerned that such warrants will simply be added to the list of those that have yet to be implemented. In April 2007, the judges

of the Court issued two arrest warrants against Ahmed Haroun and Ali Kushayb, but unfortunately those individuals remain free and continue to occupy important posts in the Government of the Sudan.

My Government regrets the pressure that has been applied on this Council to work for the suspension of the Court's decisions. We believe that the pressure should be applied on the Government of the Sudan so that they comply with the requirements of the Court, and not on this Council for it to suspend the Court's decisions.

Costa Rica agrees with and endorses the recommendations of Prosecutor Ocampo. This Council should begin to consider what should be our next steps to enforce the arrest warrants, to ensure that the Council's decisions in resolution 1593 (2005) are implemented.

We cannot today change the facilities provided by the Government of the Sudan for the deployment of UNAMID. They cannot be exchanged for more new crimes, for more impunity and for the deterioration of the humanitarian situation in the Sudan. Nor can we content ourselves with new calls for cooperation with the Court. We did that in presidential statement number 21 earlier this year, and cooperation with the Court continues to be zero. This afternoon the Council will hear Mr. Holmes, the Under-Secretary-General for Humanitarian Affairs, speak of the deterioration of the humanitarian situation in Darfur. We cannot be satisfied with the adjustments made for the deployment of UNAMID and say nothing about the deterioration of the humanitarian situation in the Sudan.

Costa Rica recalls once again that because of its very nature the Court is not equipped to arrest those persons. No court of justice in the world has that role. Costa Rica understands that execution of the arrest warrants is up to States and, ultimately, to the international community.

This is not the time to be content with meeting on a six-month schedule. To the contrary, this is the moment to increase the pressure to finally bring about the needed cooperation with the Court. This Council should not give in to the voices that insist that we are endangering the peace process in the Sudan. We already know, and we have been warned, that there may be reprisals. The situation could get even worse, but true peace will be closer to hand. We should know — as the poets of old have so often said — that

night is darkest just before dawn. The Council cannot hesitate to enforce the decisions of the Court and to hold perpetrators responsible for the consequences of their actions.

It is urgent that we begin a process that takes a serious look into the issue of complying with the mandates of the Court. We need to revise the broad range of instruments available to the international community to meet its objectives and to place some of them at the service of the Court's effectiveness, because the Court's future depends on that effectiveness.

We are in the presence of a State that does not want to — or is not able to — protect its population, who are the target of war crimes, crimes against humanity, genocide and ethnic cleansing. How much longer will the Council delay in examining whether we are seeing the first case of the responsibility to protect, as stipulated in the 2005 World Summit Outcome?

We are, of course, concerned about the statements of the Sudanese authorities with regard to the security of internationally protected staff and the humanitarian workers. We are concerned about the acts committed against them every day. We recall that international humanitarian law proscribes any attacks on internationally protected staff, particularly on those who are attempting to assist populations at risk, as in the case we are looking at. We absolutely reject, and would condemn, any reprisals against international civil servants and humanitarian staff, and we will work within this Council to determine who is responsible if that turns out to be necessary.

Mr. Kleib (Indonesia): Let me begin by joining previous speakers in welcoming the Prosecutor, Mr. Luis Moreno-Ocampo, to the Council and in thanking him for his briefing on the implementation of resolution 1593 (2005).

The security and humanitarian situation in Darfur remains worrying. The international community's efforts to help the Sudan to address the situation in Darfur are facing mounting challenges, and primary among them are the continued armed clashes.

Let me reiterate that Indonesia strongly condemns all gross violations of human rights and international humanitarian law. We condemn those who commit war crimes and crimes against humanity. Impunity must not be tolerated, and the perpetrators of those crimes must

be brought to justice without delay. My delegation deeply regrets and is concerned by the information contained in the report on the ongoing crimes by all parties.

A great deal has been said today about problems in establishing cooperation between the International Criminal Court and the Government of the Sudan. My delegation regrets that no progress has been achieved in this matter. In addressing the matter of cooperation between the Court and the Sudan, my delegation reasserts the importance of viewing it from a broader perspective. It should be also approached in the context of a search for a comprehensive solution to the situation in Darfur, which is comprised of four dimensions: political, peacekeeping, humanitarian and legal dimensions. They are all mutually reinforcing and complementary to one another. Our efforts in all dimensions need mutual cooperation and reinforcement rather than division and isolation of certain dimensions. As the Prosecutor stated this morning in his briefing, none can succeed in isolation.

In this context, we agree on the importance of striking a balance and having synergy between the pursuit of justice and the maintenance of peace and security. In that regard we fully support the views of the African Union, the League of Arab States, the Organization of the Islamic Conference and the Non-Aligned Movement on the need to ensure that the ongoing peace process in Darfur is not jeopardized.

Indonesia reasserts that the implementation of resolution 1593 (2005) and actions of the Prosecutor shall neither nullify the principle of complementarity nor absolve Sudan's national court of its responsibilities, as stated in the presidential statement of 16 June 2008 (S/PRST/2008/21).

In line with the communiqué of the Peace and Security Council of the African Union of 22 September 2008 and the package solution offered by the Arab League, Indonesia urges the Government of the Sudan to urgently take concrete steps to bring to justice the perpetrators of gross violations of human rights in Darfur. The Government of the Sudan should also ensure that its national law does not exempt anyone from responsibility. It is also important that all the crimes covered in international humanitarian law will be covered by Sudanese law. Indonesia is confident that the Sudanese Government will take up those

responsibilities to meet the requirements of the principle of complementarity.

In the context of implementation of the principle of complementarity, my delegation shares the view on the importance of the contributions of the African Union, the Arab League and others to the promotion of an accountability mechanism in the Sudan.

We welcome the conclusion of the investigation with regard to crimes against peacekeepers and humanitarian personnel in Haskanita. The issuance of arrest warrants for war crimes in Haskanita is a significant step that requires further action by the Office of the Prosecutor of the International Criminal Court. In that regard, we wish to stress that ensuring the continued cooperation of all Darfur armed rebel movements is essential.

Finally, my delegation wishes to emphasize once again its appreciation of the Court's independence and of the Prosecutor's efforts to implement resolution 1593 (2005).

Ms. DiCarlo (United States of America): I would like to thank Prosecutor Moreno-Ocampo for his briefing and for keeping the Council informed of developments on the Sudan.

Today I would like to make four points.

First, the United States expresses its grave concerns over the situation in the Sudan, in particular in Darfur. The humanitarian situation remains dire, and attacks on civilians by both Government of the Sudan forces and rebel groups alike continue.

Secondly, we support the Darfur peace process efforts of the Joint African Union-United Nations Chief Mediator Bassolé. Our primary and immediate goal is to see measurable improvement of the situation on the ground for the people of Darfur, not mere declarations or promises.

Thirdly, we note with interest the announcement by the Government of the Sudan of a unilateral ceasefire in Darfur and its recognition that such a ceasefire should have a monitoring mechanism to enforce it. However, we are deeply disappointed by the continued violence in Darfur, including attacks by rebel movements and the Sudanese armed forces. A viable and lasting ceasefire is a vital step towards establishing peace in Darfur and in the region as a whole.

Fourthly, the United States remains steadfastly committed to promoting the rule of law and helping to bring violators of international humanitarian law to justice, and it will continue to take a leadership role in righting those wrongs. We applaud efforts to identify and bring to justice any persons perpetrating crimes against the people of the Sudan. Our previous actions with respect to the terrible crimes being committed in the Sudan should leave no doubt about the strength of our commitments. The international community has not ignored the atrocities and massive human suffering that has occurred during the ongoing conflict in Darfur, which the United States has declared to be a genocide.

The United States has domestically designated, and thus barred from the United States financial system, seven individuals and multiple entities for conduct or financing related to the conflict in Darfur. The United Nations Security Council sanctions committee is able to designate those who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the arms embargo or are responsible for offensive military overflights. The United States urges the sanctions committee to use responsibly the tools at its disposal in order to prevent further violence in Darfur. We encourage members of the sanctions committee to allow for meaningful follow-up to the recommendations of the Panel of Experts on the Sudan, and we urge the Council to request briefings from the Permanent Representatives of the Sudan and Chad.

Mr. Kumalo (South Africa): Let me begin by congratulating you, Mr. President, on your assumption of the Chair for the month of December and assuring you of my delegation's support. Allow me also to thank the Ambassador of Costa Rica for his sterling work in presiding over the Council during November. I also wish to express the appreciation of my delegation to the Prosecutor of the International Criminal Court (ICC) for his statement in this Chamber and in particular for his important work.

Since the Prosecutor's last report to this body, an event has taken place that has resulted in a closer look at the Rome Statute and specifically article 16 thereof. I am of course referring to the application by the Prosecutor to the Pre-Trial Chamber for the issuance of a warrant of arrest in respect of President Omer Al-Bashir of the Sudan, a matter which is still pending. This sensitive matter has, more than any other event

over the last six months, stimulated debate on the relationship between peace and justice. The debate has raised the challenge of finding a balance between ending impunity for international crimes through judicial accountability, on the one hand, and the realities of bringing an end to conflict through a sensitive peace processes, on the other.

The wise drafters of the Rome Statute were keenly aware of that sensitive balance between political and legal considerations during the drafting process, and that is what led to their recommendation that the Security Council be accorded the powers contained in article 16 — powers that allow the Council to strike a balance between the important principles of peace and justice, should the situation on the ground demand it.

We appreciate the fact that the Prosecutor's responsibility is to follow the evidence wherever it leads him and to implement the law without fear, favour or even political considerations, and we support his role in that respect. However, we also recognize a corollary responsibility of the Security Council, which is to consider political imperatives in situations with which it is seized that are before the Court and, if the Council finds it meritorious, to request the Court to defer prosecution in accordance with article 16 of the Rome Statute.

The African Union (AU) Peace and Security Council had considered it advisable that the Security Council consider making a request to the ICC to defer the potential case against President Al-Bashir. The decision of the African Union Peace and Security Council was brought to the attention of the Security Council on 31 July 2008. The AU Peace and Security Council

"expresse[d] its conviction that, in view of the delicate nature of the processes underway in the Sudan, approval by the Pre-Trial Chamber of the application by the ICC Prosecutor could seriously undermine the ongoing efforts aimed at facilitating the early resolution of the conflict in Darfur and the promotion of long-lasting peace and reconciliation in the Sudan as a whole and, as a result, may lead to further suffering for the people of the Sudan and greater destabilization with far-reaching consequences for the country and the region" (*S/2008/481, annex, para. 9*).

It is also worth noting that the African Peace and Security Council is not advocating for impunity; on the contrary, in the same decision that I quoted, the Peace and Security Council also invited the AU Commission to set up

"an Independent High-Level Panel made up of distinguished Africans of high integrity, to examine the situation in depth and submit recommendations to Council on how best the issue of accountability and combating impunity, on the one hand, and reconciliation and healing, on the other, could be effectively and comprehensively addressed" (*ibid., para. 11 (ii)*).

The AU Peace and Security Council further "urge[d] the Government of the Sudan to take immediate and concrete steps to investigate human rights violations in Darfur and bring to justice their perpetrators" (*ibid., para. 11 (iv)*).

In the light of the steps being taken by the African Union and others to ensure that peace and justice are mutually reinforcing in Darfur rather than contradictory, we continue to hope that this Council will take the time necessary to have a discussion and decide on an article 16 deferment as it relates to the President of the Sudan.

South Africa is a member of the International Criminal Court and indeed, one of the founding members of that important Court, and we remain fully committed to supporting its work. It is precisely based on our support for the Court and the Statute establishing the Court that we advocate for the application of the Rome Statute in resolving any challenges that arise between peace and justice. Article 16 of the Rome Statute was contemplated for precisely the kind of situation we face with regard to the application by the Prosecutor for the indictment of President Al-Bashir. It is our contention that article 16 can best be applied prior to issuing a warrant of arrest, so as to avoid interference with the judicial process. Thus, the Council's consideration of the request by the AU Peace and Security Council becomes urgent.

As we have said before in this Chamber, we see the International Criminal Court as central in ending impunity for international crimes and in establishing conditions under which justice and the rule of law can be maintained. The Court, through its ability to deter the further commission of international crimes, serves

as an advocate of adherence to the rule of law, and thus we expect cooperation by States with its work.

We are acutely aware of the challenges facing the Prosecutor, which arise primarily from the fact that the International Criminal Court does not have its own police force, or even an army, to enforce its arrest warrants and therefore depends entirely on the cooperation of States. The Security Council has a responsibility to demand the cooperation of States, particularly in cases in which the Council has referred cases to the Court. It was for that reason that the Security Council issued presidential statement S/PRST/2008/21, urging the Government of the Sudan and all other parties to the conflict in Darfur to cooperate fully with the Court. We therefore reaffirm that appeal by the Council and expect that the Government of the Sudan and all parties to the conflict in Darfur will cooperate fully with the International Criminal Court.

Finally, through you, Mr. President, I should like to pose a question to the Prosecutor. A couple of times, he warned the Council not to be induced into protecting President Al-Bashir and others who may be under investigation by the Court. The question that I would like to pose to the Prosecutor is: Does this mean that if the Security Council discusses article 16 of the Rome Statute as it applies to this case, we will be understood as either attempting to protect those people or having been induced in some way into covering up of what is happening in the Sudan? I think that that needs to be made very clear. Otherwise, should the Council get into a discussion of this, those on the outside might think that we have been trapped into some kind of cover-up or inducement.

Mr. Arias (Panama) (*spoke in Spanish*): Permit me at the outset to echo what the representative of Costa Rica said regarding the paramount importance of the establishment of the International Criminal Court. I should also like to thank Prosecutor Luis Moreno-Ocampo for the report that he has provided us on the progress made in the investigations being conducted in Darfur pursuant to resolution 1593 (2005).

Through resolution 1593 (2005), this Council took the historic decision to refer a specific case to the International Criminal Court for the first time. The Court and its officials have shouldered that responsibility with all the rigour required for such a lofty duty, as demonstrated by the progress made in the

investigations into the situation in Darfur, as presented to us this morning. However, after the presentation of three cases to the Court's judges and the issuance of two arrest warrants against alleged perpetrators of crimes against humanity, those arrest warrants have yet to be carried out. Impunity cannot and must not be an option.

In resolution 1593 (2005), the Security Council stipulated that the Government of the Sudan was obliged to cooperate with the Court and with the Office of the Prosecutor. However, Panama is concerned at the lack of constructive responses to the two arrest warrants issued 20 months ago by the International Criminal Court against Ahmad Harun and Ali Kushayb for allegedly having participated in committing crimes against humanity. Panama, as a member of the Security Council and a State party to the Rome Statute, feels obligated to reiterate the appeal to the Government of the Sudan to meet its responsibilities towards the international community.

The International Criminal Court represents the will of 108 nations that have decided to exchange the arbitrariness of the past for a system of transnational justice that does not permit to go unpunished the most horrendous crimes of which humankind has proved capable. The same will for change is what motivated the Security Council to adopt resolution 1593 (2005). We are aware of the challenge that that entails. Therefore, both the Council and the United Nations membership must be prepared to take the measures required, even if that affects the highest authorities of a country.

We recognize that it is important that the Prosecutor has concluded the investigations related to the attack perpetrated on 29 September 2007 against a military base of the African Union Mission in the Sudan at Haskanita. We also appreciate the expressions of willingness to cooperate with the Court on the part of some rebel groups. The Security Council must continue to focus its efforts on ensuring that the 17,000 humanitarian workers providing aid to 2.7 million victims of the Darfur conflict can carry out their noble mission without putting their lives at risk. We cannot allow humanitarian personnel to continue to be subjected to such indiscriminate attacks.

If we are to resolve the difficult situation in Darfur and ultimately attain the objectives of resolution 1593 (2005), the Government of the Sudan

must fulfil its national and international obligations. The solidarity and continued cooperation of the entire membership of the Organization, in particular the Arab countries and the members of the African Union, are also essential. Panama views as positive the intention shown by the Government of the Sudan to raise the standards of its justice system to acceptable international levels. We also consider the mediation proposed by the State of Qatar as a way to create an atmosphere of peace and sustained justice. That initiative should have the Council's support.

Ms. Pierce (United Kingdom): I should like to join you, Mr. President, and others in welcoming the Prosecutor of the International Criminal Court (ICC) and in thanking him for his further briefing on his investigation into the very grave humanitarian situation in Darfur.

My Government continues to strongly support the independent judicial role of the ICC in Darfur. We also support the Prosecutor's efforts to combat impunity through the investigation of war crimes and crimes against humanity committed there. The perpetrators of those most serious crimes should be brought to justice. Justice for victims is an essential component of achieving peace in any part of the world, and that also means in Darfur. We reiterate our thanks to the Prosecutor and his staff for all their work to help achieve that. We also welcome the Prosecutor's engagement — as detailed in his report — with United Nations and regional bodies, notably the African Union and the League of Arab States. It is important that that dialogue continue.

My Government is deeply concerned by reports that crimes against humanity and war crimes are continuing in Darfur and that ongoing attacks against civilians include murder, systematic rape, the destruction of homes and villages and forced displacement. There are horrific reports of the rape of thousands of women and girls — some as young as five — by both rebels and Sudanese armed forces.

We commend the Prosecutor's ongoing efforts to monitor and investigate these crimes against the civilian population of Darfur, and we also condemn attacks on humanitarian workers and peacekeepers.

Once again, I would like to use the occasion of this debate in the Security Council Chamber to call upon all parties to the conflict to refrain from further

acts of violence against civilians and protected persons and against humanitarian workers and peacekeepers.

It is also a matter of strong concern that there have been reports of comments from senior members of the Sudanese Government expressing doubts about the continued safety and security of United Nations personnel and peacekeepers, particularly linked to the Prosecutor's ongoing investigations. The Government of the Sudan should be in no doubt about its responsibilities to ensure the safety of United Nations and humanitarian personnel. These allegations and these reports do the Sudanese no credit. I hope that they will stop and, on the contrary, that there will be an affirmation from the Government of the Sudan that it will live up to its responsibilities in this respect.

Following the Prosecutor's last briefing in June, this Council adopted a statement calling on the Government of the Sudan and all other parties to the conflict to cooperate fully with the ICC, in accordance with their obligations under resolution 1593 (2005). That statement still stands, and we reiterate it today. We deeply recall that, more than 18 months since the issue of arrest warrants for Ahmed Haroun and Ali Kushayb, there has been no progress. We call upon the Government of Sudan immediately to execute these warrants.

I have listened carefully to the debate today and have noted that some Council members have suggested that the Security Council should act to defer the ICC's investigation. This is not my Government's view. We see no justification at present for the suspension of the ICC's work in Darfur, and my Government does not back any such plan. The onus is on the Government of the Sudan to take much more ambitious, bold and concrete action to cooperate with the ICC and to achieve peace in Darfur.

Mr. Hoang Chi Trung (Viet Nam): My delegation wishes to thank Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC), for his briefing on the activities of the Court pursuant to resolution 1593 (2005). We take note of all the activities carried out by the Prosecutor and his Office, as reflected in his eighth report to the Council.

Viet Nam is deeply concerned about the continuing reports of serious violations of international humanitarian law and human rights law in Darfur. We condemn all attacks aimed at Darfuri civilians, humanitarian personnel and peacekeeping forces. We

support the efforts to fully investigate these crimes and bring the perpetrators to justice.

While stressing the need to implement resolution 1593 (2005) in its entirety, my delegation notes that the Government of the Sudan had committed to exercise its jurisdiction through the appointment of special prosecutors, the establishment of special criminal courts and the completion of criminal proceedings against seven cases in 2005. We trust the Government of the Sudan will sustain and step up such national judicial efforts to ensure justice for victims of gross human rights violations in Darfur. We believe that such an approach would enjoy the broad support of the international community, including the ICC.

Viet Nam continues to believe that combating impunity or violations of international humanitarian law and human rights law in Darfur is part of the comprehensive endeavour for peace and national reconciliation in the Sudan. We support the African Union approach, as stipulated in that organization's Peace and Security Council communiqué dated 21 July 2008, addressing the interlinked issues of combating impunity and promoting peace and reconciliation in a mutually reinforcing manner. We also share the view of the Arab countries, as reflected in the solution package agreed upon by the Arab League and the Government of the Sudan in July 2008.

In this respect, we welcome the recent decision of the Government of the Sudan to declare an immediate ceasefire in Darfur; this was a constructive endeavour to promote the peace process. We call on all other parties concerned to join in the ceasefire and participate with good will in the negotiations for a political solution to the Darfur conflict. The United Nations and the international community should intensify assistance to facilitate and consolidate these fragile developments. We would, therefore, caution against the imposition of unduly coercive measures which may further complicate the situation in Darfur.

By way of conclusion, we would like to call for further cooperation between the Government of the Sudan and other parties to the conflict in Darfur, including the ICC, regional organizations and States interested in the implementation of resolution 1593 (2005).

The President: I shall now make a statement in my capacity as the representative of Croatia.

I join others in thanking Mr. Moreno-Ocampo for his briefing and offer both him and the International Criminal Court (ICC) Croatia's full support.

This morning we heard yet another very disturbing report which not only conveys a lack of substantive progress in bringing to justice those responsible for atrocities in Darfur but also the threat of ongoing violence. Shocking and abhorrent crimes continue to be committed against innocent civilians, mostly women and children. Equally deplorable is a string of attacks against peacekeepers and humanitarian workers. We take note of the latest application presented by the Prosecutor against three rebel commanders in connection with the Haskanita attack and the application against Omar Al-Bashir.

It is regrettable that the Government of the Sudan continues to refuse to cooperate with the Court despite its prosecutions, many of which engage the Government in the judicial process. The principle of complementarity is the cornerstone of the ICC. It is disappointing to note that, despite its rhetoric, the Government of the Sudan has not made any genuine effort to comply with the complementarity test and allow the Court to examine the admissibility of the applications.

While we appreciate the ongoing efforts aimed at securing a peaceful solution to the conflict in Darfur, and the sensitivities of that process, Croatia believes that it would be tragic if this should lead to accommodating permanent impunity by interfering with the ongoing independent judicial activities.

As regards the lack of cooperation of the Government of Sudan with the International Criminal Court, this, in our view, represents the Sudan's disregard of its international obligations as specified in Security Council resolution 1593 (2005). As such, it also represents the disregard of the Security Council itself. The constant defiance of the Sudan towards the Court shows contempt for the multitude of victims in Darfur, as well as for international order and the United Nations Charter. The crimes committed in Darfur, and the impunity associated with these acts, as demonstrated by the Government of the Sudan, is intolerable and must be brought to an end.

We reiterate the clear message that this Council reaffirmed in its presidential statement last June (S/PRST/2008/21) and call upon the Government of the Sudan, all parties to the conflict in Darfur, as well

as United Nations Member States, to extend their full cooperation to the Court.

Croatia takes seriously and supports the Prosecutor's recommendations on bilateral and multilateral actions that need to be taken in order to ensure enforcement of the Court's decisions in the future, in the hope that these can be endorsed by all members of the international community.

I now resume my functions as President of the Council.

I shall now give the floor to Mr. Moreno-Ocampo to respond to comments and questions raised.

Mr. Moreno-Ocampo: First, I would like to respond to the question posed by the representative of South Africa. For the purpose of clarification, may I begin by saying that I truly appreciate the question, in particular because South Africa stands as an example to the world on how to conduct a transition. As the Permanent Representative of South Africa said, South Africa, as a founding member of the International Criminal Court (ICC), was leading the Rome discussions, and throughout my five-year tenure, South Africa has been leading and supporting international justice. That is why I really appreciate his question and his frankness.

Let me be totally clear. As he said, I am a prosecutor; I have to respect the law. I have to follow the evidence without fear, favour or political consideration. That is what I am doing. He has his responsibility, and I will not infringe on his responsibility. But part of my responsibility is to investigate crimes, and what I see in the crimes committed in Darfur is that the crimes have the particularity that they are committed by the members of the Government, using the Government apparatus. That is the particularity of this case, because President Al-Bashir is the President of the country and the commander-in-chief of the army. But how can we ensure that the Sudanese Armed Forces will not follow illegal orders? That is the particularity. He gave the orders to commit the crimes. He ensured — and this is the evidence, I am following the evidence now — he ensured the implementation of his orders, and let me review how.

First, he replaced those officers and governors who refused to follow his instructions. He replaced a governor in Darfur because he advised him not to use the militia/Janjaweed. He recruited the militia/Janjaweed and incorporated them as reserve forces to

replace those members in Darfur who were members of the army and refused to attack Darfur.

Interestingly, Mr. Al-Bashir adjusted the plans for the extermination of the groups according to the facts. After 2004, there was increasing pressure from the international community, and most of the villages that the Fur, Zaghawa and Masalit were inhabiting were emptied. Then he adjusted, to attack them in the camps.

The most clear example is how he then appointed Ahmed Haroun, who was the Minister of State for the Interior, coordinating the attacks in the villages. In September 2005, when most of the Fur, Zaghawa and Masalit areas were clean, he appointed the same person to be Minister of Humanitarian Affairs. It is a false name, and that members must know. Of course, it is a secret service operation; it is an operation to keep controlling and attacking these people. But of course, they cannot directly attack people in the camps, because there would be an international clamour. That is why they used different strategies. Fear, rape and hunger are the strategies. That is why people there, aid workers and African Union-United Nations Hybrid Operation in Darfur (UNAMID) peacekeepers, are under tremendous pressure.

He gave the orders, he adjusted the orders and he implemented the orders, but then the other aspect that I was trying to brief the Council on — and I appreciate the question because it allows me to provide the answer — is the covering up of the crimes. A person cannot openly use a State to commit crimes. That is why they cover up the crimes. They cover up the crimes with different strategies, using the Janjaweed militias, playing with the ambiguity of the Janjaweed militias and denying the commission of crimes. As members know, they have denied the crimes and denied the numbers many times. Today I quoted them as now denying the rapes, saying that the women who are raped are relatives of the rebels. They deny the value of the evidence. They say I have no evidence. They are trying to attack all of my witnesses, all over the world. They are attacking the evidence and they are also protecting individuals sought by the Court. That is why they have not handed over Haroun, because for President Al-Bashir, it is a really important point not to hand over Haroun and to keep people following his illegal instructions.

One important point I was trying to relate to the Council is that they always promise national proceedings and they never deliver national proceedings. How can you investigate nationally if you

are attacking those who are speaking out about the crimes?

Finally, part of his cover-up is diplomatic work to the Council, the African Union, the Arab League and the United Nations, promoting and proposing ceasefires that he never complies with, promising justice that he never delivers and promising to disarm Janjaweed militias — and the next day saying, well, not the reserve forces — and, finally, threatening retaliation. Using proxy force is the last strategy he uses to keep his plan working. So I am just talking about how the crimes are committed, and I have to alert the Council. This is what I saw according to my evidence. This is my responsibility.

The President: I thank Mr. Moreno-Ocampo for the clarifications he has provided. The representative of South Africa has asked for the floor to make a further statement, and I call on him.

Mr. Kumalo (South Africa): Thank you, Mr. President, for being generous enough to give me the floor. I just wanted to make a clarification. I thank the Prosecutor, Mr. Moreno-Ocampo, very much for his clarification.

The only issue I wanted to make clear is that we are the Security Council. We are not lawyers. We are not prosecutors. We sit here, having to make decisions, and we look at the entire Rome Statute. The Rome Statute makes a provision for this article to be used, and the Security Council will, at the time when it takes this issue up, balance the two things: the maintenance of international peace and security, and the fight against impunity. The Security Council must be for fighting impunity, but there is also the other side to it.

My question was intended to make it clear that people who are not in the Council should not see us debating this issue and then interpret it as if we are condoning all these horrible things that we have spoken of. We in no way condone them, and we regret that they take place, but we also have the responsibility to look at the entire matter.

Now, whether the Security Council eventually agrees with that or not, that is precisely what makes it fun, because all 15 of us will have to decide if we agree or not. I was just concerned that when we ask these tough questions about how to balance all these awful things we are hearing about and the maintenance of peace in Sudan, those who are sitting here watching

this must not get the impression that, just because we are asking the question, we therefore have taken one side or the other. We have not, and we are delighted that we have the Court, which can go in and search for all this information.

I hope Mr. Moreno-Ocampo never gives up in his work and that he continues as his mandate allows him to. But we also have the other mandate here, and at some point we will have to look at and balance the two. I think some of my colleagues pointed out that, at some point, we need to step back and not wear prosecutor's caps, saying that we want to jail so-and-so. But rather but we need to look back at all the evidence and say: how do we then carry out our mandate? I think Mr. Moreno-Ocampo's clarification has really helped.

The President: I call on Mr. Moreno-Ocampo.

Mr. Moreno-Ocampo: I thank Ambassador Kumalo for his support.

The President: I call on the representative of Costa Rica to make a further statement.

Mr. Urbina (Costa Rica): As Ambassador Kumalo said, not everyone here is a lawyer. But I am a lawyer.

(spoke in Spanish)

All I wanted to add is that the Prosecutor has done his work by presenting his findings to the judges of the Court, and what we are talking about now is not the fulfilment of the wishes or the opinions of the Prosecutor, but the decision of the judges of the Court. It is important to differentiate, for the role of the Prosecutor is often confused with that of the Court.

The Council referred the situation in the Sudan to the Court for investigation. It was investigated by the Prosecutor, who then requested the issuance of arrest warrants. The judges then concluded that there was sufficient evidence to issue those warrants, which they did. I think that it is now up to the Council to assume responsibility for the consequences of having referred the situation in Darfur to the Prosecutor's Office and the Court.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.30 p.m.